Pages 7011–7039

FEDERAL REGISTER

VOLUME 25 NUMBER 143

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Contents

(*Continued on next page*)

Codification Guide

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

Monthly, quarterly, and annual cumulative guides, published separately from the daily issues, include the section numbers as well as the part numbers affected.

7 CFR

728 7013
922 7013
953 7013
1017 7014

PROPOSED RULES:

969 7034
1003 7034

8 CFR

212 7014
245 7014
299 7014

14 CFR

60 7015
507 (2 documents) 7015
609 7016

15 CFR

503 7017

22 CFR

41 7017
42 7017
44 7017
46 7022

32 CFR

1 7022
4 7022
5 7022
7 7022
12 7022

44 CFR

401 7031

49 CFR

61 7032
142 7033

Announcement

CFR SUPPLEMENTS

(As of January 1, 1960)

The following Supplements are now available:

Title 26, Parts 222–299	$1.75
Title 32A	$0.65
Titles 40–41, Revised	$0.70
Title 44, Revised	$3.25
General Index	$1.00

Previously announced: Title 3 ($0.60); Titles 4–5 ($1.00); Title 7, Parts 1–50 ($0.45); Parts 51–52 ($0.45); Parts 53–209 ($0.40); Parts 210–399, Revised ($4.00); Parts 400–899, Revised, ($5.50); Parts 900–959 ($1.50); Part 960 to End ($2.50); Title 8 ($0.40); Title 9 ($0.35); Titles 10–13 ($0.50); Title 14, Parts 1–39 ($0.65); Parts 40–399 ($0.75); Part 400 to End ($1.75); Title 15 ($1.25); Title 16, Revised ($6.50); Title 17 ($0.75); Title 18 ($0.55); Title 19 ($1.00); Title 20 ($1.25); Title 21 ($1.50); Titles 22–23 ($0.45); Title 24 ($0.45); Title 25 ($0.45); Title 26 (1939), Parts 1–79 ($0.40); Parts 80–169 ($0.35); Parts 170–182 ($0.35); Parts 300 to End ($0.40); Title 26, Part 1 (§§ 1.01–1.499) ($1.75); Parts 1 (§ 1.500 to End)–19 ($2.25); Parts 20–169 ($1.75); Parts 170–221 ($2.25); Part 300 to End ($1.25); Titles 28–29 ($1.75); Titles 30–31 ($0.50); Title 32, Parts 1–399 ($2.00); Parts 400–699 ($2.00); Parts 700–799 ($1.00); Parts 800–999, Revised ($3.75); Parts 1000–1099, Revised ($6.50); Part 1100 to End ($0.60); Title 33 ($1.75); Title 35, Revised ($3.50); Title 36, Revised ($3.00); Title 37, Revised ($3.50); Title 38 ($1.00); Title 39 ($1.50); Title 42, Revised ($4.00); Title 43 ($1.00); Title 46, Parts 1–145 ($1.00); Parts 146–149, Revised ($6.00); Parts 146–149 (1950 Supp. 1) ($0.55); Part 150 to End ($0.65); Title 47, Parts 1–29 ($1.00); Part 30 to End ($0.30); Title 49, Parts 1–70 ($1.75); Parts 71–90 ($1.00); Parts 91–164 ($0.45); Part 165 to End ($1.00); Title 50 ($0.70).

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Rules and Regulations

Title 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

PART 728—WHEAT

Subpart—1960 Marketing Year

DETERMINATION OF COUNTY NORMAL YIELDS

Correction

In F.R. Doc. 60–5967, appearing at page 6116 of the issue for Thursday, June 30, 1960, the following corrections are made:

1. In the tabular material under § 728.1008, the final state entry should read "Wyoming" instead of "Wisconsin".

2. In the tabular material entitled "Normal Yields of Wheat for Special Cultural Practices", following the signature, the "X" should be deleted from the "Continuous cropping" entry for Pueblo County, Colo., so that it reads "10.0" instead of "X10.0".

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 207]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 922.507 Valencia Orange Regulation 207.

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on July 21, 1960.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., July 24, 1960, and ending at 12:01 a.m., P.s.t., July 31, 1960, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 625,000 cartons;

(iii) District 3: Unlimited movement.

(2) All Valencia oranges handled during the period specified in this section are subject also to all applicable size restrictions which are in effect pursuant to this part during such period.

(3) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 22, 1960.

S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60–6977; Filed, July 22, 1960; 11:30 a.m.]

[Lemon Reg. 856]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 953.963 Lemon Regulation 856.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 23 F.R. 9053), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this section is based become available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on July 19, 1960.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., July 24, 1960, and ending at 12:01 a.m., P.s.t., July 31, 1960, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 325,500 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: July 21, 1960.

S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60-6921; Filed, July 22, 1960; 8:48 a.m.]

[1017.305]

PART 1017—ONIONS GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

Limitation of Shipments

Findings. (a) Marketing Agreement No. 130 and Order No. 117 (7 CFR Part 1017), effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), provide methods for limiting the handling of onions grown in the production area defined therein through the issuance of regulations authorized in §§ 1017.1 through 1017.88, inclusive, of the order. The Idaho-Eastern Oregon Onion Committee, pursuant to § 1017.51, of the order, has recommended that regulations limiting the handling of 1960 crop onions should be issued. Committee recommendations, with information submitted therewith and other available information, have been considered and it is hereby found that the regulations hereinafter set forth will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001-1011) in that (1) the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, (2) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of onions, in the manner set forth below, on and after the effective date of this section, (3) compliance with this section will not require any special preparation on the part of handlers which cannot be completed by the effective date, (4) reasonable time is permitted, under the circumstances, for such preparation, and (5) information regarding the committee's recommendations has been made available to producers and handlers in the production area.

§ 1017.305 Limitation of shipments.

During the period from July 25, 1960, through June 30, 1961, no person shall handle any lot of onions unless such onions meet the requirements of paragraph (a) of this section, or unless such onions are handled in accordance with paragraph (b) or (c) of this section.

(a) *Minimum grade requirements.* All varieties: U.S. No. 2, or better, grade.

(b) *Special purpose shipments.* The minimum grade requirements set forth in paragraph (a) of this section and the inspection and assessment requirements of this part shall not be applicable to shipments of onions for any of the following purposes:

(1) Planting;

(2) Livestock feed; and

(3) Charity.

(c) *Minimum quantity exception.* Each handler may ship up to, but not to exceed, one ton of onions any day without regard to the inspection and assessment requirements of this part, but this exception shall not apply to any portion of a shipment that exceeds one ton of onions.

(d) *Definitions.* The term "U.S. No. 2" shall have the same meaning as when used in the United States Standards for Northern Grown Onions (§§ 51.2830 to 51.2847 of this title). Other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 130 and this part.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: July 20, 1960, to become effective July 25, 1960.

S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60-6898; Filed, July 22, 1960; 8:46 a.m.]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

PART 212—DOCUMENTARY REQUIREMENTS: NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE

PART 245—ADJUSTMENT OF STATUS OF NONIMMIGRANT TO THAT OF A PERSON ADMITTED FOR PERMANENT RESIDENCE

PART 299—IMMIGRATION FORMS

Refugee-Escapees and Adjustment of Status

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

1. Section 212.5 is amended to read as follows:

§ 212.5 Parole of aliens into the United States.

(a) *General.* The district director in charge of a port of entry may, prior to examination by an immigration officer, or subsequent to such examination and pending a final determination of admissibility in accordance with sections 235 and 236 of the Act and this chapter, or after a finding of inadmissibility has been made, parole into the United States temporarily in accordance with section 212(d)(5) of the Act any alien applicant for admission at such port of entry under such terms and conditions, including the exaction of a bond on Form I-352, as such officer shall deem appropriate. At the expiration of the period of time or upon accomplishment of the purpose for which parole was authorized or when in the opinion of the district director in charge of the area in which the alien is located that neither emergency nor public interest warrants the continued presence of the alien in the United States, parole shall be terminated upon written notice to the alien and he shall be restored to the status which he had at the time of parole, and further inspection or hearing shall be conducted under section 235 or 236 of the Act and this chapter, or any order of exclusion and deportation previously entered shall be executed.

(b) *Refugee-escapees.* An application for parole as a refugee-escapee under section 1 of the Act of July 14, 1960, shall be submitted by the applicant on Form I-590. Parole will not be authorized until assurances of employment and housing in the United States for a period of two years on Form I-591 and assurances of transportation from the applicant's place of abode to point of final destination in the United States have been provided. The approval of an application for parole under section 1 of the Act of July 14, 1960, by an officer in charge outside the United States authorizes the district director at a port of entry to parole the applicant upon arrival at such port within six months after the date of authorization. For purposes of section 3 of the Act of July 14, 1960, the two-year period shall commence on the date of the refugee-escapee's parole following his arrival in the United States. The provisions of the Act of July 14, 1960, will be applied to the spouse and children, as defined in section 101(b)(1) of the Immigration and Nationality Act, of a refugee-escapee as specified in section 1 of the Act of July 14, 1960, if accompanying such refugee-escapee.

2. The first sentence of § 245.1 is amended to read as follows:

§ 245.1 Application.

An alien, other than an alien who (a) on arrival in the United States was serving in any capacity on board a vessel or aircraft or (b) on arrival in the United States was destined to join a vessel or aircraft in the United States to serve in any capacity thereon, may, if he believes he meets the eligibility requirements of section 245 of the Act, file an application

Form I–485 with the district director in whose district he resides. * * *

3. The list of forms in § 299.1 *Prescribed forms* is amended by adding the following forms and references thereto in numerical sequence:

Form No.	*Title and description*
I–590	Registration for Classification as Refugee-Escapee (section 1, Act of July 14, 1960).
I–591	Assurance by a United States Citizen in Behalf of a Refugee-Escapee (Act of July 14, 1960).

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

This order shall be considered effective as of July 14, 1960. The regulations prescribed by the order are necessary for carrying out the provisions of Public Law 86–648, 86th Congress, which was approved on July 14, 1960. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) relative to notice of proposed rule making and delayed effective date is impracticable in this instance, since such compliance would unduly delay and impede the administration of Public Law 86–648.

Dated: July 21, 1960.

J. M. SWING,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 60–6936; Filed, July 22, 1960; 9:03 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Reg. Docket No. 453; Civil Air Regs., Amdt. 60–19]

PART 60—AIR TRAFFIC RULES

Interpretation of VFR Cruising Altitudes and IFR Cruising Altitudes

Part 60 of the Civil Air Regulations comprises the Air Traffic Rules and certain definitions pertaining thereto. Section 60.32 of this part prescribes certain requirements attendant to the cruising altitudes to be maintained in flight and is intended to provide a degree of separation between aircraft during level cruising flight. The rule does not purport to provide separation during periods of climb, descent, turning or while holding in a one or two minute holding pattern. There is no parallel between the "segregation" inherent in this rule and the separation provided by the air traffic control system between IFR flights. It must also be emphasized that the application of these rules in no way reduces the obligation of pilots to exercise utmost in-flight vigilance for collision avoidance purposes as required by other sections of this part.

To clarify possible ambiguities which may exist with respect to the applicability of the phrase "level cruising flight", as it appears in the section, to certain flight maneuvers, a note is being inserted to follow § 60.32. The purpose of this note is to indicate that "level cruising flight" does not include the following maneuvers:

1. Turning.
2. Holding which is accomplished in a one or two minute holding pattern.

Since the term "level cruising flight" has an identical application in § 60.44, IFR cruising altitudes, that section is also being amended to include an identical note.

Inasmuch as the addition of these notes is of a minor clarifying nature and imposes no additional burden on any person, compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act is unnecessary and not required.

In consideration of the foregoing, Part 60 of the Civil Air Regulations (14 CFR Part 60, as amended) is amended to add the following note to §§ 60.32 and 60.44:

NOTE: When an aircraft is holding in a one or two minute holding pattern or when it is turning, it is not considered to be in level cruising flight.

This amendment shall become effective upon its publication in the FEDERAL REGISTER.

(Secs. 313(a), 307, 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348)

Issued in Washington, D.C., on July 19, 1960.

E. R. QUESADA,
Administrator.

[F.R. Doc. 60–6882; Filed, July 22, 1960; 8:45 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 396; Amdt. 180]

PART 507—AIRWORTHINESS DIRECTIVES

Douglas DC–6 Series Aircraft

A proposal to amend Part 507 of the regulations of the Administrator to include a new airworthiness directive for Douglas DC–6, –6A, and –6B aircraft superseding AD56–14–3, 21 F.R. 9544, as amended by 22 F.R. 2416, Amendment 1, was published in 25 F.R. 4557.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received. However, paragraph (b) has been rewritten to clearly state that if no cracks are found, only the upper front and center spar caps are to be inspected at 1500-hour intervals.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

DOUGLAS. Applies to all DC–6, DC–6A and DC–6B aircraft, up to Fuselage No. 725, Serial Number 45060, having total flight time in excess of 9,000 hours.

Compliance required as indicated.

There have been numerous cases reported of spar cap cracking on DC–6 Series aircraft. Cracks are reported to have occurred in the upper and lower front and center spar caps in the area of wing station 60. In approximately ninety percent of the cases, the cracks occurred in the fore and aft tang of the upper front cap. The cracks usually originate at the spar cap tang attach hole and progress chordwise. In addition, recent service experience has shown that aircraft reworked per the temporary repair outlined in rework drawing 5611387 have a limited service life.

The following procedure must be followed:

(a) Unless already accomplished within the last 1,000 hours' time in service, inspection of the upper and lower front and center spar caps in the area of wing station 60 must be accomplished within the next 450 hours' time in service. Special attention should be given to the spar cap tangs between station 55 and 65.

(b) If no cracks are found, the affected area of the upper front and center spar caps must be periodically reinspected at intervals not to exceed 1,500 flight hours, and the lower front and center spar caps in the affected area must be afforded adequate periodic reinspections at convenient overhaul periods. The inspections called for in this paragraph must be continued until the permanent preventive rework is accomplished per manufacturer's recommendations.

(c) If cracks are found in the upper and lower front and center spar caps in the area of station 60, temporary repairs may be made per Douglas rework drawing 5611387, providing crack limitations contained in DC–6 Service Bulletin 678 have not been exceeded. Aircraft incorporating this rework must be reinspected at intervals not to exceed 750 hours' time in service. Furthermore, aircraft which have been repaired per the temporary rework (drawing No. 5611387) and have accumulated 3,200 hours' time in service since temporary rework was accomplished must be reworked per the permanent preventive rework recommended by the manufacturer, within the next 1,000 hours' time in service.

(d) After permanent repairs are accomplished in accordance with manufacturer's recommendations, subsequent inspections may then be made at normal inspection periods.

(Satisfactory permanent rework instructions are contained in Douglas Service Bulletin DC–6 No. 678 revised December 10, 1958, and Douglas Service Bulletin DC–6 No. 694, revised December 3, 1959, Douglas Alert Service Bulletin A–678 revised September 25, 1959, covers the inspections outlined above.)

This supersedes AD 56–14–3 (21 F.R. 9544 as amended by 22 F.R. 2416).

(See. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on July 19, 1960.

B. PUTNAM,
Acting Director, Bureau of Flight Standards.

[F.R. Doc. 60–6883; Filed, July 22, 1960; 8:45 a.m.]

[Reg. Docket No. 454; Amdt. 181]

PART 507—AIRWORTHINESS DIRECTIVES

Sikorsky S–58 Helicopters

There have been two reported failures of upper pylon hinge fittings on Sikorsky S–58 helicopters, one of which resulted in an accident. It has been determined that these failures were the result of fatigue cracks originating in the attaching bolt holes. Since the tail pylon is hinged at only two points, complete failure of the upper hinge can result in loss of the tail pylon and control of the aircraft.

In the interest of safety it has been found that notice and public procedure hereon are impracticable and that good cause exists for making this amendment effective in less than 30 days after publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

SIKORSKY. Applies to all Sikorsky S-58 Helicopters.

Compliance required as indicated.

Fatigue cracks have been found in the area of the rear three bolt holes of the upper pylon folding hinge fitting, P/N S1620-63130-2. In order to preclude propagation of a fatigue crack in this area, and consequent serious weakening of the pylon attachment, the following must be accomplished on all fittings, P/N S1620-63130-2, which have accumulated 1,000 or more hours' time in service.

Effective August 15, 1960, conduct daily visual inspections of the area around the fitting bolt holes for cracks. Fittings with cracks must be replaced prior to further flight. When the fitting is reinforced in accordance with Sikorsky Drawing S1607-2169, the provisions of the AD no longer apply. Sikorsky Service Bulletin No. 52B20-1 covers this subject.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on July 19, 1960.

B. PUTNAM,
Acting Director, Bureau of Flight Standards.

[F.R. Doc. 60-6884; Filed, July 22, 1960; 8:45 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Reg. Docket No. 455; Amdt. 178]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

Air Route Traffic Control Centers have experienced difficulty in determining, from the filed flight plan, the exact route to be flown by an aircraft. This has been caused by the assignment, in the past, of identical identification code letters to both L/MFR and VOR air navigation facilities when such facilities were located in the same geographical area. This problem is expected to increase as more computers are introduced into the Air Traffic Control system as the computer cannot distinguish between two types of facilities bearing the same identification code letters. Accordingly, new identification code letters are being assigned those L/MFR air navigation facilities, where such duplication exists, effective August 25, 1960.

As Standard Instrument Approach Procedures found in Part 609 contain reference to L/MFR air navigation facilities by identification code letters, these procedures must be amended to reflect the newly assigned letters.

As this technical amendment is necessary in the interest of safety, compliance with the notice and public procedure provisions of section 4 of the Administrative Procedure Act is unnecessary and not required.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 609 of the regulations of the Administrator is hereby amended as follows:

The Standard Instrument Approach Procedures found in §§ 609.100, 609.200, 609.300, 609.400 and 609.500 are amended, wherever the identification code letters of the following low frequency range air navigation facilities appear therein, by deleting such letters and substituting therefor the identification code letters indicated below:

Location and Identifier	
Aberdeen, S. Dak.	AR
Abilene, Tex.	AI
Akron, Colo.	AK
Albany, Ga.	AJ
Albany, N.Y.	AB
Albuquerque, N. Mex.	AQ
Alexandria, La.	AX
Alexandria, Minn.	AN
Alice, Tex.	AH
Allentown, Pa.	AE
Alma, Ga.	AG
Altoona, Pa.	AO
Amarillo, Tex.	AM
Anchorage, Alaska	AC
Atlanta, Ga.	AL
Atlantic City, N.J.	AY
Augusta, Ga.	AS
Augusta, Maine	AU
Baker, Oreg.	BE
Bakersfield, Calif.	BC
Baltimore, Md.	BL
Bangor, Maine	BW
Baton Rouge, La.	BR
Battle Creek, Mich.	BQ
Battle Mountain, Nev.	MV
Beaumont, Tex.	BT
Belleville, Ill., Scott AFB	BV
Bellingham, Wash.	BG
Bethel, Alaska	BT
Big Delta, Alaska	BI
Big Spring, Tex.	BI
Billings, Mont.	BZ
Birmingham, Ala.	BM
Bismarck, N. Dak.	BK
Blythe, Calif.	BH
Boise, Idaho	BX
Boston, Mass.	BS
Bowling Green, Ky.	BG
Bozeman, Mont.	BN
Bridgeport, Conn.	BP
Bristol, Tenn.	TI
Brownsville, Tex.	BO
Brunswick, Maine, NAS	NZ
Buffalo, N.Y.	BF
Burley, Idaho	BY
Burlington, Vt.	BU
Camp Springs, Md., Andrews AFB	AD
Casper, Wyo.	CR
Chanute, Kans.	CU
Charleston, S.C.	CQ
Charleston, W. Va.	CW
Charlotte, N.C.	CT
Cherry Point, N.C., MCAS	NT
Cheyenne, Wyo.	CS
Chicopee Falls, Mass., Westover AFB	CF
Cleveland, Ohio	CE
Cochise, Ariz.	CC
Columbia, Mo.	CI
Columbia, S.C.	CM
Columbus, Ga.	CG
Columbus, N. Mex.	CZ
Concord, N.H.	CN
Corpus Christi, Tex.	CP
Crestview, Fla.	CV
Cross City, Fla.	CY
Cut Bank, Mont.	CB
Daggett, Calif.	DG
Dayton, Ohio, Wright-Patterson AFB	FP
Daytona Beach, Fla.	DB
Delta, Utah	DT
Denver, Colo.	DN
Des Moines, Iowa	DZ
Dickinson, N. Dak.	DK
Dillon, Mont.	DI
Drummond, Mont.	DU
Dubois, Idaho	DS
Duluth, Minn.	DM
El Centro, Calif.	EC
Elkins, W. Va.	EN
Elko, Nev.	EK
Ellensburg, Wash.	EL
Elmira, N.Y.	EM
El Paso, Tex.	EP
Ephrata, Wash.	EH
Erie, Pa.	EI
Eugene, Oreg.	EO
Fairbanks, Alaska	FI
Fargo, N. Dak.	FG
Florence, S.C.	FL
Fort Bridger, Wyo.	FB

Location and Identifier	
Fort Dix, N.J., McGuire	WI
Fort Jones, Calif., AFB	FS
Fort Wayne, Ind.	FA
Fresno, Calif.	FN
Front Royal, Va.	FR
Gage, Okla.	GA
Garden City, Kans.	GC
Gila Bend, Ariz.	GN
Gordonsville, Va.	GE
Goshen, Ind.	GH
Grand Forks, N.D.	GK
Grand Island, Nebr.	GI
Great Falls, Mont.	GF
Greensboro, N.C.	GO
Greenwood, Miss.	GW
Harrisburg, Pa.	HR
Hartford, Conn.	HD
Helena, Mont.	HN
Hilo, Hawaii	IO
Hobbs, N. Mex.	HB
Homer, Alaska	HH
Honolulu, Hawaii	HL
Houghton, Mich.	CX
Houlton, Maine	HM
Houston, Tex.	HU
Huron, S. Dak.	HK
Hutchinson, Kans.	HT
Idaho Falls, Idaho	IA
Indianapolis, Ind.	IJ
Jacks Creek, Tenn.	JK
Jackson, Miss.	JN
Jacksonville, Fla.	JX
Jamestown, N. Dak.	JS
Joliet, Ill.	JT
Kansas City, Mo.	KS
Kenai, Alaska	KE
Key West, Fla.	EW
King Salmon, Alaska	KN
Klamath Falls, Oreg.	LM
Knoxville, Tenn.	TS
La Crosse, Wis.	LE
Langley Field, Va., Langley AFB	LI
Lansing, Mich.	LN
Laramie, Wyo.	LR
Las Vegas, Nev.	LS
Las Vegas, N. Mex.	LV
Lewistown, Mont.	LW
Lincoln, Nebr., Lincoln AFB	LK
Little Rock, Ark.	LT
Long Beach, Calif.	LB
Lovelock, Nev.	LL
Lubbock, Tex.	LX
Lucin, Utah	LU
Lynchburg, Va.	IH
Macon, Ga.	MN
Malad City, Idaho	MD
Martinsburg, W. Va.	MB
Medford, Oreg.	ME
Memphis, Tenn.	MM
Meridian, Miss.	MS
Middleton, Alaska	MQ
Miles City, Mont.	MC
Midland, Tex.	MF
Millinocket, Maine	MK
Milwaukee, Wis.	MW
Minneapolis, Minn.	MP
Minot, N. Dak.	MT
Missoula, Mont.	MO
Moline, Ill.	MI
Monroe, La.	MU
Montgomery, Ala., Maxwell AFB	ML
Morgantown, W. Va.	MG
Mt. Clemens, Mich., Selfridge AFB	MZ
Mullan Pass, Idaho	MA
Muskegon, Mich.	MJ
Nashville, Tenn.	BA
Needles, Calif.	ED
Nenana, Alaska	XN
New Orleans, La.	MY
Norfolk, Va.	OF
North Philadelphia, Pa.	PF
North Platte, Nebr.	LF
Oakland, Calif.	OK
Ogden, Utah	OD
Oklahoma City, Okla.	OC
Omaha, Nebr.	OA
Otto, N. Mex.	OO
Ozark, Ala., Cairns AAF	OR
Palacios, Tex.	PS
Palmdale, Calif.	PL
Panama City, Fla., Tyndall AFB	PM
Patuxent River, Md., NAS	NK
Pendleton, Oreg.	PN
Peoria, Ill.	PA
Phillipsburg, Pa.	PP
Phoenix, Ariz.	PX
Pierre, S. Dak.	PD
Pittsburgh, Pa.	PT
Pocatello, Idaho	PH
Portland, Oreg.	PO
Poughkeepsie, N.Y.	PU
Prescott, Ariz.	PC
Presque Isle, Maine, Presque Isle AFB	PQ
Providence, R.I.	PE
Pueblo, Colo.	PB
Pulaski, Va.	PK
Quonset Point, R.I., NAS	NO
Raleigh-Durham, N.C.	RU
Rapid City, S. Dak.	RP
Red Bluff, Calif.	RL
Redmond, Oreg.	RM
Reno, Nev.	RO
Richmond, Va.	RO
Riverside, Calif.	RV

Location and Identifier	
Roanoke, Va.	RA
Rochester, Minn.	RT
Rochester, N.Y.	RR
Rock Springs, Wyo.	RK
Roswell, N. Mex.	RW
Sacramento, Calif.	SO
Salt Flat, Tex.	SQ
Salt Lake City, Utah	SC
Santa Barbara, Calif.	SB
Sault Ste. Marie, Mich.	SM
Savannah, Ga.	SV
Scottsbluff, Nebr.	BJ
Seattle, Wash.	SJ
Sheridan, Wyo.	SD
Shreveport, La., Barksdale AFB	BB
Shreveport, La.	SH
South Bend, Ind.	SN
Spartanburg, S.C.	SP
Springfield, Ill.	SI
Springfield, Mo.	SF
Sumter, S.C., Shaw AFB	SW
Sioux City, Iowa	SX
Sioux Falls, S. Dak.	FD
Spokane, Wash.	GG
St. Louis, Mo.	SL
Stockton, Calif.	SK
Syracuse, N.Y.	SR
Tacoma, Wash., McChord AFB	TM
Tallahassee, Fla.	TH
Texarkana, Ark.	TX
The Dalles, Oreg.	DL
Thermal, Calif.	TR
Tonopah, Nev.	TO
Topeka, Kans., Forbes AFB	TE
Traverse City, Mich.	TV
Truth or Consequences, N. Mex.	TT
Tucumcari, N. Mex.	TC
Tucson, Ariz.	TU
Tulsa, Okla.	TL
Waco, Tex.	AT
Walla Walla, Wash.	AW
Washington, D.C.	DA
Westfield, Mass.	AF
West Palm Beach, Fla.	PI
Whidbey Island, Wash., NAS	NW
Whitehall, Mont.	HA
Wichita, Kans.	IT
Wilkes-Barre, Scranton, Pa.	AP
Wink, Tex.	IK
Winslow, Ariz.	IW
Williamsport, Pa.	IP
Yakima, Wash.	YM
Yakutat, Alaska	YK
Youngstown, Ohio	YG
Yuma, Ariz.	YU

This amendment shall become effective on August 25, 1960.

(Secs. 313(a), 307(c) of the Federal Aviation Act of 1958; 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348(c))

Issued in Washington, D.C., on July 20, 1960.

B. PUTNAM,
Acting Director, Bureau of Flight Standards.

[F.R. Doc. 60-6903; Filed, July 22, 1960; 8:47 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter V—Weather Bureau, Department of Commerce

PART 503—SCHEDULE OF CHARGES FOR SERVICES

Part 503 of Chapter V of Subtitle B of Title 15 of the Code of Federal Regulations is revised to read as follows:

§ 503.1 Charges for service, publications, and punched cards.

(a) *Services.*

(1) Synoptic Maps and Charts (Ozalid, Bruning, etc.): Sizes:	
Up to 360 square inches	$0.28 per copy.
361 to 510 square inches	$0.29 per copy.
511 to 800 square inches	$0.30 per copy.
801 to 1000 square inches	$0.31 per copy.
1001 to 1220 square inches	$0.33 per copy.
Above 1220 square inches	$0.34 for first 1220 square inches and $0.01 for each additional 144 square inches.
(2) Ozalid, Bruning, and similar prints (other than synoptic maps and charts):	
8 x 10½ (per print)	$0.10
Over 8 x 10½ (per square foot)	.07
(3) Prints, black and white enlargements from microfilm (when microfilm has been previously prepared):	
8 x 10 or smaller	.22
11 x 14 or larger	.35
(4) Prints, photocopy:	
8½ x 11 or smaller	.35
9 x 12 to 12 x 17	.50
14 x 17 to 18 x 24	.85
(5) Photographic Prints (contact):	
8 x 10	.35
11 x 14	.50
14 x 17	.70
16 x 20	1.00
20 x 24	1.25
30 x 40	2.25
(6) Microfilm:	
Negative film (one or two pages to exposure on panchromatic contrast film): Per frame or exposure:	
35 mm	.05
16 mm	.04
Positive film (when negative is of uniform density) per ft.:	
35 mm	.10
16 mm	.08
Aniline dye (when negative is of uniform density), per foot:	
35 mm	.04
16 mm	.03
Metal spool and box (for 35 mm or 16 mm microfilm)	.04
(7) Photographs:	
Negatives:	
8 x 10 (or smaller)	1.50
10 x 12	1.60
11 x 14	1.75
14 x 17	2.25
16 x 20	3.00
20 x 24	3.75
28 x 34	4.00
30 x 40	5.00
When film positives are required from above negatives, charge will be twice that shown.	
Enlargements:	
5 x 7	.45
8 x 10	.60
11 x 14	1.00
(8) Lantern slides:	
Slide, including negative	1.75
Slide only (when negatives are available)	.75
(9) Thermofax copies or direct contact prints:	
8½ x 11	.10
Larger than 8½ x 11 (per sq. ft.)	.15
(10) Prints, transcopy:	
8½ x 11	.40
10 x 12	.40
(11) Calibration of Epply Pyrheliometer	35.00
(12) Tabulating machine listings:	
WBAN Form 22 (formerly WB Form 1114)—Winds Aloft Summary Form.	
WBAN Form 33 (formerly WB Form 1173)—Summary of Constant Pressure Data.	
During current processing, per sheet	.10

(Rates for services described above, when performed at the Weather Bureau National Weather Records Center, Asheville, North Carolina, will be on the basis of actual costs for services rendered.)

(13) Time spent by field station employees in performing the following services will be at the rate of $2.75 per hour if services are performed during normal working hours, or at the rate of $4.00 per hour if it is necessary to perform the service on an overtime basis:

(i) Hand transcription of official meteorological records.

(ii) Searching map or record files to assemble material.

(iii) Unbinding and reassembling bound volumes of maps or records preparatory to making ozalid, photostats or other reproductions.

(b) *Publications.* With respect to publications of the Bureau, the basis of charges is contained in "Weather Bureau Publications," which sets prices for private use. Charges will not be made when the publication is furnished to an individual or agency that cooperates with the Bureau in such a way as to minimize costs of dissemination to the public, otherwise incurred. The "Price List" is reissued from time to time, as changes warrant.

(c) *Punched cards.* Reproduction of punched cards will be charged on the basis of actual costs, including those of selection, inventory, duplication, refiling, and packing. Requests for estimates should be directed to Director, National Weather Records Center, Asheville, North Carolina. Shipments of punched cards will be made shipping charges collect, FOB duplication point.

A minimum charge of $1.00 will be made for a single order on any of the items listed in this section.

(56 Stat. 1067, Sec. 501, 65 Stat. 290, 5 U.S.C. 606, 140)

Dated: July 14, 1960.

J. W. OSMUN,
Acting Chief of Bureau.

Approved:

FREDERICK H. MUELLER,
Secretary of Commerce.

[F.R. Doc. 60-6895; Filed, July 22, 1960; 8:46 a.m.]

Title 22—FOREIGN RELATIONS

Chapter I—Department of State

[Dept. Reg. 108.441]

PART 41—VISAS: DOCUMENTATION OF NONIMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED

PART 42—VISAS: DOCUMENTATION OF IMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED

PART 44—VIVAS: DOCUMENTATION OF IMMIGRANTS UNDER SECTION 15 OF THE ACT OF SEPTEMBER 11, 1957, AS AMENDED

Miscellaneous Amendments

Parts 41, 42, and 44, Chapter I, Title 22 of the Code of Federal Regulations

are hereby amended in the following respects:

1. The definitions of the terms "passport" and "principal alien" contained in § 41.1 are amended as follows:

§ 41.1 Definitions.

* * * * *

Passport. "Passport", as defined in section 101(a)(30) of the Act, shall not be considered as limited to a national passport and shall not be considered as limited to a single document but may consist of two or more documents which, when considered together, fulfill the requirements of a passport as defined in section 101(a)(30) of the Act: *Provided,* That permission to enter a foreign country must be issued by a competent authority and must be clearly valid for such purpose in order to meet the requirements of section 101(a)(30). A nonimmigrant unable to obtain a document issued by a competent authority which indicates his origin, identity, and nationality if any, may furnish the missing information to the best of his knowledge and belief, by presenting an affidavit which, when combined with the documentary evidence of admissibility into a foreign country, will suffice to meet the requirements of section 101(a)(30) of the Act.

* * * * *

Principal alien. "Principal alien" means an alien from whom another alien derives a privilege or status under the law or regulations.

2. Section 41.7 is amended as follows:

§ 41.7 Waiver of visa and/or passport requirements by joint action of consular and immigration officers.

The provisions of section 212(a)(26) of the Act prescribing the documentary requirements for nonimmigrants may be waived by joint action of consular officers abroad and immigration officers pursuant to the authority contained in section 212(d)(4) of the Act in individual cases of aliens who satisfy the consular officer serving the port or place of embarkation, after consultation with and concurrence by the appropriate immigration officer, that their cases come within any of the following categories:

* * * * *

(e) *Visa and passport waiver; members of armed forces of foreign countries making friendly visits to the United States.* An alien who is on active duty as a member of the armed forces of a foreign country and who is a member of a group of such force which is making a friendly call in the United States, whether courtesy or operational and whether in behalf of his own government or in behalf of the United Nations, under advance arrangements made with the military, naval, or air force authorities of the United States, other than an alien who is a citizen or resident of Albania, Bulgaria, Communist-controlled China ("Chinese People's Republic"), Czechoslovakia, Estonia, Hungary, Latvia, Lithuania, North Korea ("Democratic People's Republic of Korea"), North Viet-Nam ("Democratic Republic of Viet-Nam"), Poland, Rumania, the Soviet Zone of Germany ("German Democratic Republic"), or the Union of Soviet Socialist Republics.

* * * * *

(g) *Visa and/or passport waiver; authorization to individual consular offices.* An alien within the district of a consular office which has been individually authorized by the Department, because of unusual circumstances prevailing in that district, to join with immigration officers abroad in waivers of documentary requirements in specifically described categories of cases, and whose case falls within one of those categories.

3. Section 41.91 is amended as follows:

§ 41.91 Aliens ineligible to receive visas.

(a) *Aliens ineligible under the provisions of section 212(a) of the act.* * * *

(7) *Physical defect affecting alien's ability to earn a living.* An alien within the purview of section 212(a)(7) of the Act may be issued a nonimmigrant visa, if otherwise qualified therefor, upon receipt by the consular officer of notice from the Immigration and Naturalization Service of the giving of a bond or undertaking as provided in section 221(g) of the Act, if the consular officer is satisfied that the giving of such bond or undertaking removes the likelihood that the alien might become a public charge within the meaning of section 212(a)(15) of the Act.

* * * * *

(9) *Crime involving moral turpitude.* * * *

(ii) An alien who has been convicted of a crime involving moral turpitude or who admits the commission of acts which constitute the essential elements of such a crime and who has committed an additional crime involving moral turpitude is ineligible to receive a visa under the provisions of section 212(a)(9) of the Act although the crimes were committed while the alien was under the age of eighteen years.

* * * * *

(13) *Immoral sexual act.* An alien shall not be ineligible to receive a visa under section 212(a)(13) of the Act unless his primary purpose in coming to the United States is to engage in an immoral sexual act.

* * * * *

(15) *Public charge.* * * *

(ii) An alien within the purview of section 212(a)(15) of the Act may be issued a nonimmigrant visa upon receipt of notice by the consular officer of the giving of a bond or undertaking, as provided in section 221(g) of the Act, if the consular officer is satisfied that the giving of such bond or undertaking removes the alien's ineligibility to receive a visa under this section of the law.

(16) *Aliens excluded and deported.* An alien who was excluded and deported from the United States within the meaning of section 212(a)(16) of the Act shall not be issued a visa within one year from the date of his deportation unless he has obtained permission from the Immigration and Naturalization Service to reapply for admission.

(17) *Aliens arrested and deported or removed from the United States.* An alien who was arrested and deported from the United States, or who was removed from the United States within the meaning of section 212(a)(17) of the Act shall be required to obtain permission from the Immigration and Naturalization Service to reapply for admission into the United States before a visa may be issued, regardless of the period of time which may have elapsed since his deportation or removal.

* * * * *

(19) *Fraud and misrepresentation.* (i) An alien who seeks to procure, or has sought to procure, or has procured a visa or other documentation for entry into the United States by fraud or by willfully misrepresenting a material fact, regardless of whether such fraud or misrepresentation occurred before or after December 24, 1952, shall be ineligible to receive a visa under the provisions of section 212(a)(19) of the Act: *Provided,* That the provisions of this subdivision shall not be applicable if the fraud or misrepresentation was committed by an alien at the time he sought entry into a country other than the United States or obtained travel documents as a bona fide refugee and the refugee was in fear of being repatriated to his former homeland if he had disclosed the facts in his case in connection with his application for a visa to enter the United States: *Provided further,* That the fraud or misrepresentation was not committed by such refugee for the purpose of evading the quota restrictions of the United States immigration laws, or investigation of the alien's record at the place of his former residence or elsewhere in connection with an application for a visa.

(ii) Subject to the conditions stated in subdivision (i) of this subparagraph, an alien who is found by the consular officer to have made a willful misrepresentation within the meaning of section 10 of the Displaced Persons Act of 1948, as amended, for the purpose of gaining admission into the United States as an eligible displaced person, or to have made a material misrepresentation within the meaning of section 11(e) of the Refugee Relief Act of 1953, as amended, for the purpose of gaining admission into the United States as an alien eligible thereunder, shall be considered ineligible to receive a visa under the provisions of section 212(a)(19) of the Act.

(iii) The commission of fraud or the willful misrepresentation of a material fact in seeking to enter the United States as distinguished from fraud or misrepresentation in connection with the procurement, or attempt to procure, documents for entry, shall not render an alien ineligible to receive a visa under the provisions of section 212(a)(19) of the Act. (6 I. & N. Dec. 149, approved by the Attorney General 9–13–54)

* * * * *

(23) *Narcotics traffickers.* An alien shall be ineligible to receive a nonimmigrant visa under the provisions of section 212(a)(23) of the Act, as amended, irrespective of whether the conviction for illegal possession of narcotic drugs or

marihuana or for conspiracy to violate any law or regulation within the contemplation of the Narcotic Control Act of 1956 occurred before or after July 18, 1956.

(Sec. 301(a), 70 Stat. 575, Sec. 8, 74 Stat. 505; 8 U.S.C. 1182)

* * * * *

(28) *Members or affiliates of proscribed organizations.* * * *

(vi) In accordance with the definition of "totalitarian party" contained in section 101(a)(37) of the Act, a former or present voluntary member of, or an alien who was, or is, voluntarily affiliated with a noncommunist party, organization, or group, or of any section, subsidiary, branch, affiliate or subdivision thereof, which during the time of its existence did not or does not advocate the establishment in the United States of a totalitarian dictatorship, shall not be considered ineligible under the provisions of section 212(a)(28)(C) of the Act to receive a visa, unless the alien is known or believed by the consular officer to advocate, or to have advocated, personally, the establishment in the United States of a totalitarian dictatorship, within the meaning of section 212(a)(28)(D) of the Act.

* * * * *

(c) *Failure of application to comply with Act.* (1) * * *

(ii) The application contains a false or incorrect statement other than one which would constitute a ground of ineligibility under section 212(a)(19) of the Act;

* * * * *

(d) *Former exchange visitors.* An alien who was admitted into the United States as an exchange visitor subsequent to June 4, 1956, or who otherwise acquired the status of an exchange visitor subsequent to June 4, 1956, including an alien granted an extension of the period of his temporary admission subsequent to September 20, 1956, shall not be eligible to apply for and receive a nonimmigrant visa under the provisions of section 101(a)(15)(H) of the Act notwithstanding the approval of a petition as provided in section 214(c) of the Act unless (1) the consular officer is satisfied that for an aggregate of at least two years following the termination of his exchange visitor status the alien has resided and been physically present abroad in a country or countries cooperating in the exchange-visitor program, or (2) the residence-abroad requirement of section 201(b) of the United States Information and Educational Exchange Act of 1948, as amended, has been waived as provided in that section. (See §§ 63.6 and 63.7 of this chapter.)

(Sec. 201, 62 Stat. 7, as amended, sec. 402(*f*), 66 Stat. 276, 70 Stat. 241; 22 U.S.C. 1446)

4. Section 41.112(b) is amended as follows:

§ 41.112 Passports.

* * * * *

(b) *Aliens included in a single passport.* The passport requirement referred to under paragraph (a) of this section may be met by the presentation of a passport including more than one person if such inclusion is authorized under the laws or regulations of the issuing authority and if a photograph of each person sixteen years of age or over to whom a visa is to be issued shall have been attached to the passport by the issuing authority.

5. Section 41.113(c) is amended as follows:

§ 41.113 Medical examination.

* * * * *

(c) The consular officer shall bring to the attention of the panel of physicians the regulations of the United States Public Health Service governing the medical examination of aliens, and shall advise visa applicants, when laboratory facilities for the required tests are not available, that such tests must be made at the United States port of entry and may be a basis for the alien's exclusion.

(Sec. 221, 66 Stat. 191; 8 U.S.C. 1201)

6. Section 41.134 is revised as follows:

§ 41.134 Revocation and invalidation of visas.

(a) *Grounds for revocation.* A consular officer is authorized to revoke ab initio a nonimmigrant visa under the following circumstances:

(1) The consular officer knows, or after investigation is satisfied, that the visa was procured by fraud, a willfully false or misleading representation, the willful concealment of a material fact, or other unlawful means; or

(2) The consular officer obtains information establishing that the alien was otherwise ineligible to receive the visa at the time of issuance.

(b) *Grounds for invalidation.* A consular officer is authorized to invalidate at any time a nonimmigrant visa in any case in which he finds that the alien has become ineligible for such visa. The invalidation shall terminate the validity of the visa on the date of such invalidation.

(c) *Notice of proposed revocation.* The bearer of a nonimmigrant visa which is being considered for revocation or invalidation shall, if practicable, be notified of the consular officer's intention to revoke his visa, be given an opportunity to show why the visa should not be revoked or invalidated, and shall be requested to present his travel document containing the visa to the consular office indicated in the notification of proposed cancelation.

(d) *Procedure in revoking or invalidating visa.* A nonimmigrant visa which is revoked or invalidated shall be canceled by writing the word "Revoked" or "Invalidated", whichever is applicable, plainly across the face of the visa. The cancellation shall be dated and signed by the consular officer taking the action. The failure of an alien to present his visa for cancellation shall not affect the validity of any action taken to revoke or invalidate such visa. A nonimmigrant visa may be revoked or invalidated regardless of the fact that the alien may be in the United States at the time such action is taken.

(e) *Notice to carriers.* Notice of revocation or invalidation shall be given to the master, commanding officer, agent, owner, charterer, or consignee of the carrier or transportation line on which it is believed the alien intends to travel to the United States, unless the visa has been canceled as provided in paragraph (d) of this section.

(f) *Notice to Department.* Notice of revocation or invalidation, including a full report of the facts in the case, shall be submitted promptly to the Department for transmission to the Immigration and Naturalization Service. No such report is required if the visa has been canceled prior to the alien's departure for the United States except in cases involving A, G, C-2, C-3, NATO, diplomatic or official visas.

(g) *Record of action.* Upon the revocation or invalidation of a nonimmigrant visa appropriate notation of the action taken, including a statement of the reasons therefor, shall be made, and if the revocation or invalidation of the visa is effected at other than the issuing office, a report of the action taken shall be transmitted to the issuing office.

(h) *Reconsideration of revocation.* The consular officer shall consider any evidence which may be submitted by the alien, his attorney or representative, indicating that the revocation or invalidation of a visa may have been unwarranted. If it is determined that the visa should not have been revoked or invalidated a new visa shall be issued, a memorandum regarding the action taken and the reasons therefor shall be placed in the consular files, and appropriate notification shall be forwarded promptly to the carriers concerned, to the Department, and to the issuing office if notice of revocation or invalidation has been given in accordance with paragraph (e), (f), or (g) of this section.

(Sec. 221, 66 Stat. 191; 8 U.S.C. 1201)

7. Section 41.150 is added as follows:

FURNISHING VISA RECORDS FOR COURT PROCEEDINGS

§ 41.150 Furnishing visa records for court proceedings.

Upon receipt by a consular officer of a request for information from a visa file or record for use in court proceedings, as contemplated in section 222(f) of the Act, the consular officer shall, prior to the release of the information, submit the request, together with a full report, to the Department.

8. Section 42.6(c) is amended as follows:

§ 42.6 Immigrants not required to present passports.

* * * * *

(c) *Certain relatives of aliens lawfully admitted for permanent residence.* An immigrant who is the spouse, unmarried son or daughter, or parent of an alien lawfully admitted for permanent residence, unless such immigrant is applying for a visa in the country of which he is a national and the possession of a passport is required for departure from that country.

9. Section 42.12 is amended as follows:

§ 42.12 Classification symbols.

A visa issued to an immigrant alien within one of the classes described in this section shall bear a symbol to show the classification of the alien.

(a) The following symbols shall be used in the cases of nonquota immigrants:

Class	Section of the law	Symbol to be inserted in visa
Eligible orphan adopted abroad	4(b)(2)(A), Act of Sept. 11, 1957, as amended.	K-1
Eligible orphan to be adopted	4(b)(2)(B), Act of Sept. 11, 1957, as amended.	K-2
Spouse or child of adjusted first preference immigrant	9, Act of Sept. 11, 1957, as amended.	K-3
Beneficiary of first preference petition approved prior to July 1, 1958	12A, Act of Sept. 11, 1957, as amended.	K-4
Spouse or child of beneficiary of first preference petition approved prior to July 1, 1958.	do	K-5
Beneficiary of second preference petition approved prior to July 1, 1957	12, Act of Sept. 11, 1957, as amended.	K-6
Beneficiary of third preference petition approved prior to July 1, 1957	do	K-7
German expellee	15(a)(1), Act of Sept. 11, 1957, as amended.	K-8
Netherlands refugee or relative	15(a)(2), Act of Sept. 11, 1957, as amended.	K-9
Refugee-escapee	15(a)(3), Act of Sept. 11, 1957, as amended.	K-10
Azores natural calamity victim	1(A), Act of Sept. 2, 1958, as amended.	K-11
Accompanying spouse or unmarried minor son or daughter of alien classified K-11.	1, Act of Sept. 2, 1958, as amended.	K-12
Netherlands national displaced from Indonesia	1(B), Act of Sept. 2, 1958, as amended.	K-13
Accompanying spouse or unmarried minor son or daughter of alien classified K-13.	1, Act of Sept. 2, 1958, as amended.	K-14
Parent of United States citizen registered prior to Dec. 31, 1953	4, Act of Sept. 22, 1959	K-15
Spouse or child of alien resident registered prior to Dec. 31, 1953	do	K-16
Brother, sister, son, or daughter of United States citizen registered prior to Dec. 31, 1953.	do	K-17
Spouse or child of alien classified K-15, K-16, or K-17	do	K-18
Parent of United States citizen admitted as alien under Refugee Relief Act of 1953.	6, Act of Sept. 22, 1959	K-19
Spouse or child of alien admitted under Refugee Relief Act of 1953	do	K-20
Spouse of United States citizen	101(a)(27)(A) of the Act	M-1
Child of United States citizen	do	M-2
Returning resident	101(a)(27)(B) of the Act	N
Native of certain Western Hemisphere countries	101(a)(27)(C) of the Act	O-1
Spouse of alien classified O-1 (unless O-1 in own right)	do	O-2
Child of alien classified O-1 (unless O-1 in own right)	do	O-3
Person who lost United States citizenship by marriage	101(a)(27)(D) and 324(a) of the Act.	P-1
Person who lost United States citizenship by serving in foreign armed forces.	101(a)(27)(D) and 327 of the Act.	P-2
Minister of religion	101(a)(27)(F) of the Act	Q-1
Spouse of alien classified Q-1	do	Q-2
Child of alien classified Q-1	do	Q-3
Certain employees or former employees of United States Government abroad.	101(a)(27)(G) of the Act	R-1
Accompanying spouse of alien classified R-1	do	R-2
Accompanying child of alien classified R-1	do	R-3

(b) The following symbols shall be used in the cases of quota immigrants:

Class	Section of the law	Symbol to be inserted in visa
First preference: Selected immigrant	203(a)(1) of the Act	T-1
First preference: Spouse of alien classified T-1	do	T-2
First preference: Child of alien classified T-1	do	T-3
Second preference: Parent of United States citizen	203(a)(2) of the Act	U-1
Second preference: Unmarried son or daughter of United States citizen	do	U-2
Third preference: Spouse of alien resident	203(a)(3) of the Act	V-1
Third preference: Unmarried son or daughter of alien resident	do	V-2
Fourth preference: Brother or sister of United States citizen	203(a)(4) of the Act	W-1
Fourth preference: Married son or daughter of United States citizen	do	W-2
Fourth preference: Accompanying spouse of brother, sister, son, or daughter of United States citizen.	do	W-3
Fourth preference: Accompanying child of brother, sister, son, or daughter of United States citizen.	do	W-4
Fourth preference: Adopted son or daughter of United States citizen who is beneficiary of petition approved prior to effective date of the Act of Sept. 22, 1959.	5(c), Act of Sept. 22, 1959	W-5
Nonpreference quota immigrant	203(a)(4) of the Act	X

10. Section 42.23(b) is amended as follows:

§ 42.23 Natives of certain Western Hemisphere countries.

* * * * *

(b) A spouse or child of a native of a country referred to in section 101(a)(27)(C) of the Act, other than one referred to in paragraph (c) of this section, who is not a native of that country shall establish to the satisfaction of the consular officer that he is accompanying a spouse or parent born in a nonquota country, or that he is following to join a spouse or parent born in such country who has the status in the United States of an alien lawfully admitted for permanent residence. The eligibility of the spouse or child for nonquota status under this section shall not be affected by the fact that the marriage of the spouse or the birth of the child occurred subsequent to the admission of the principal alien into the United States.

11. Section 42.27 is amended as follows:

§ 42.27 Classes created by special legislation.

* * * * *

(d) An alien shall be classifiable as a nonquota immigrant if he establishes to the satisfaction of the consular officer by the presentation of appropriate evidence that he qualifies under section 2 or section 3 of the Act of September 2, 1958, as amended, or that he is the spouse or unmarried son or daughter, under twenty-one years of age, including a stepson or stepdaughter or son or daughter adopted prior to July 1, 1958, of an alien issued a visa under section 2 or section 3 of the Act.

(Pub. Law 85-892, 72 Stat. 1712)

(e) An alien shall be classifiable as a nonquota immigrant if he establishes to the satisfaction of the consular officer by the presentation of appropriate evidence that he qualifies under section 4 of the Act of September 22, 1959, and that the petition approved in his behalf is valid at the time of visa issuance. The spouse or child of such principal alien need not be the beneficiary of an approved petition and need not have been registered on a quota waiting list.

(Sec. 4, Pub. Law 86-363, 73 Stat. 644)

(f) An alien shall be classifiable as a nonquota immigrant if he establishes to the satisfaction of the consular officer by the presentation of appropriate evidence that he qualifies under section 6 of the Act of September 22, 1959 and if the consular officer has received from the Immigration and Naturalization Service a petition according him second or third preference quota status approved prior to January 1, 1959 and satisfactory evidence is presented that the petitioner was admitted into the United States under the Refugee Relief Act of 1953, as amended, or had his status in the United States adjusted under section 6 of that Act.

(Sec. 6, Pub. Law 86-363, 73 Stat. 645)

12. Section 42.63 is amended as follows:

§ 42.63 Aliens not to be registered.

(a) Except as provided in paragraph (b) of this section, the name of an alien shall not be entered on a quota waiting list if he (1) is issued an exchange-visitor visa or obtains a change of status in the United States to that of an exchange visitor under the provisions of section 201 of the United States Information and Educational Exchange Act of 1948, as amended, (2) has been admitted into the United States as a nonimmigrant and has willfully violated his nonimigrant status, or (3) enters or remains in the United States in violation of the immigration laws.

(b) An alien denied registration under paragraph (a) of this section may not have his name registered on a quota waiting list under a priority antedating the date of his departure from the United States except that an alien who qualifies

under the provisions of section 203(a)(1) of the Act shall have his name entered on the quota waiting list as of the date the approved petition was filed with the Immigration and Naturalization Service.

(Sec. 201, 62 Stat. 7, sec. 402(f), 66 Stat. 276, 70 Stat. 241; 22 U.S.C. 1446)

§ 42.66 [Amendment]

13. Section 42.66 *Cancellation and reinstatement of registration* is amended by adding at the end of paragraph (a) *Cancellation* the following sentence: "The provisions of subparagraphs (4), (5), and (6) of this paragraph shall not be construed to affect adversely any registration priority acquired prior to June 30, 1955 on the basis of an approved second, third or fourth preference petition regardless of the alien's status in the United States."

14. Section 42.91(a) is amended as follows:

§ 42.91 Aliens ineligible to receive visas.

(a) *Aliens ineligible under the provisions of section 212(a) of the Act.* * * *

(10) *Conviction of two or more offenses.* * * *

(ii) An alien shall not be ineligible to receive a visa under section 212(a)(10) of the Act by reason of having been tried and treated as a juvenile by a juvenile court for the commission of two or more offenses regardless of the period of confinement imposed by the sentence since such proceedings are not regarded as criminal in nature. A juvenile convicted as an adult of two or more offenses for which the aggregate sentences to confinement actually imposed were five years or more shall be subject to the provisions of section 212(a)(10) of the Act regardless of whether juvenile courts existed within the jurisdiction at the time of the conviction.

* * * * *

(16) *Aliens excluded and deported.* An alien who was excluded and deported from the United States within the meaning of section 212(a)(16) of the Act shall not be issued a visa within one year from the date of his deportation unless he has obtained permission from the Immigration and Naturalization Service to reapply for admission.

(17) *Aliens arrested and deported or removed from the United States.* An alien who was arrested and deported from the United States, or who was removed from the United States within the meaning of section 212(a)(17) of the Act shall be required to obtain permission from the Immigration and Naturalization Service to reapply for admission into the United States before a visa may be issued, regardless of the period of time which may have elapsed since his deportation or removal.

* * * * *

(19) *Fraud and misrepresentation.* (i) An alien who seeks to procure, or has sought to procure, or has procured a visa or other documentation for entry into the United States by fraud or by willfully misrepresenting a material fact, regardless of whether such fraud or misrepresentation occurred before or after December 24, 1952, shall be ineligible to receive a visa under the provisions of section 212(a)(19) of the Act: *Provided,* That the provisions of this subdivision shall not be applicable if the fraud or misrepresentation was committed by an alien at the time he sought entry into a country other than the United States or obtained travel documents as a bona fide refugee and the refugee was in fear of being repatriated to his former homeland if he had disclosed the facts in his case in connection with his application for a visa to enter the United States: *Provided further,* That the fraud or misrepresentation was not committed by such refugee for the purpose of evading the quota restrictions of the United States immigration laws, or investigation of the alien's record at the place of his former residence or elsewhere in connection with an application for a visa.

(ii) Subject to the conditions stated in subdivision (i) of this subparagraph, an alien who is found by the consular officer to have made a willful misrepresentation within the meaning of section 10 of the Displaced Persons Act of 1948, as amended, for the purpose of gaining admission into the United States as an eligible displaced person, or to have made a material misrepresentation within the meaning of section 11(e) of the Refugee Relief Act of 1953, as amended, for the purpose of gaining admission into the United States as an alien eligible thereunder, shall be considered ineligible to receive a visa under the provisions of section 212(a)(19) of the Act.

(iii) The commission of fraud or the willful misrepresentation of a material fact in seeking to enter the United States as distinguished from fraud or misrepresentation in connection with the procurement, or attempt to procure, documents for entry, shall not render an alien ineligible to receive a visa under the provisions of section 212(a)(19) of the Act. (6 I. & N. Dec. 149, approved by the Attorney General 9-13-54)

* * * * *

(23) *Narcotics traffickers.* An alien shall be ineligible to receive an immigrant visa under the provisions of section 212(a)(23) of the Act, as amended; irrespective of whether the conviction for illegal possession of narcotic drugs or marihuana or for conspiracy to violate any law or regulation within the contemplation of the Narcotic Control Act of 1956 occurred before or after July 18, 1956.

(Sec. 301(a), 70 Stat. 575, Sec. 8, 74 Stat. 505; 8 U.S.C. 1182)

§ 42.111 [Amendment]

15. Section 42.111 *Supporting documents* is amended by revising the third sentence of paragraph (e) *Photographs* as follows: "Each copy of the photograph shall be signed by the person executing the application (see § 42.115(b)) in such manner as not to obscure the alien's features."

16. Section 42.115 is amended as follows:

§ 42.115 Application forms.

(a) *Preliminary questionnaire.* An alien may be required in the discretion of the consular officer to complete Form FS-497 (Questionnaire to Determine Quota or Nonquota Status and Application for Quota Registration) for the purpose of assisting in the determination of the alien's classification and quota chargeability.

(b) *Aliens required to execute applications.* Every alien applying for an immigrant visa shall make separate application therefor on Form FS-510 (Application for Immigrant Visa and Alien Registration) in duplicate. An alien under fourteen years of age, or one physically incapable of executing an application, may have his application for an immigrant visa executed in his behalf by a parent or guardian. If the alien has no parent or guardian, the application may be executed by any person having lawful custody of, or a legitimate interest in, such alien.

(c) *Additional information as part of application.* In any case in which the consular officer believes that the information provided in Form FS-510 is inadequate to determine the alien's eligibility to receive an immigrant visa he may require the submission of such additional information as may be necessary or interrogate the alien on any matter which is deemed material. Any additional statements made by the alien shall become a part of the visa application. All documents required under the authority of § 42.111 shall be considered papers submitted with the alien's application within the meaning of section 221(g)(1) of the Act.

(d) *Statements regarding race and ethnic classification.* The provisions of section 222(c) of the Act which require every alien applying for an immigrant visa and alien registration to state his race and ethnic classification in the application shall not be construed as pertaining to the alien's religion.

(Sec. 222, 66 Stat. 193; 8 U.S.C. 1202)

17. Section 42.134 is revised as follows:

§ 42.134 Revocation of visas.

(a) *Grounds for revocation.* Consular officers are authorized to revoke an immigrant visa under the following circumstances:

(1) The consular officer knows, or after investigation is satisfied, that the visa was procured by fraud, a willfully false or misleading representation, the willful concealment of a material fact, or other unlawful means;

(2) The consular officer obtains information establishing that the alien was otherwise ineligible to receive the particular visa at the time it was issued; or

(3) The consular officer obtains information establishing that, subsequent to the issuance of the visa, a ground of ineligibility has arisen in the alien's case.

(b) *Notice of proposed revocation.* The bearer of an immigrant visa which is being considered for revocation or invalidation shall, if practicable, be notified of the proposed action, shall be given an opportunity to show cause why his visa should not be revoked and shall be requested to present his visa to the consular office indicated in the notification of proposed cancellation.

(c) *Procedure in revoking visas.* An immigrant visa which is revoked shall be canceled by writing the word "Revoked" plainly across the face of the visa. The cancellation shall be dated and signed by the consular officer taking the action. The failure of an alien to present his visa for cancellation shall not affect the validity of any action taken to revoke such visa.

(d) *Notice to carriers.* Notice of revocation of the visa shall be given to the master, commanding officer, agent, owner, charterer, or consignee of the carrier or transportation line on which it is believed the alien intends to travel to the United States, unless the visa has been canceled as provided in paragraph (c) of this section.

(e) *Notice to Department.* Notice of revocation, including a full report of the facts in the case, shall be submitted promptly to the Department for transmission to the Immigration and Naturalization Service. No such report is required if the visa has been canceled prior to the alien's departure for the United States.

(f) *Record of action.* Upon the revocation or invalidation of an immigrant visa appropriate notation of the action taken, including a statement of the reasons therefor, shall be made, and if the revocation of the visa is effected at other than the issuing office, a report of the action taken shall be transmitted to the issuing office.

(g) *Reconsideration of revocation.* The consular officer shall consider any evidence which may be submitted by the alien, his attorney or representative indicating that the revocation of the visa may have been unwarranted. If it is determined that the visa should not have been revoked a new or replace visa shall be issued. A memorandum regarding the action taken and the reasons therefor shall be placed in the consular files and appropriate notification shall be forwarded promptly to the carriers concerned, to the Department, and to the issuing office if notice of revocation or invalidation has been given in accordance with paragraph (d), (e), or (f) of this section.

18. The definition of the term "Act" contained in § 44.1 is amended as follows:

§ 44.1 Definitions.

* * * * *

(a) "Act" means the act of September 11, 1957, as amended. (Pub. Law 85–316, 71 Stat. 639)

19. Section 44.2(a) is amended as follows:

§ 44.2 Classes of applicants under section 15 of the Act of September 11, 1957.

(a) *German expellees.* This class shall consist of refugees of German ethnic origin who (1) were born in and were forcibly removed from or forced to flee from Albania, Bulgaria, Czechoslovakia, Estonia, Hungary, Latvia, Lithuania, Poland, Rumania, Union of Soviet Socialist Republics, Yugoslavia, or areas provisionally under the administration or control or domination of any such countries, except the Soviet Zone of military occupation of Germany, and (2) are residing in the area of the German Federal Republic, western sectors of Berlin or in Austria at the time of application for a visa. An immigrant visa issued to an alien within the class described in this paragraph shall be issued only in the German Federal Republic or in the western sector of Berlin or in Austria, and shall bear the symbol K–8 in the space provided for nonquota classification.

20. Section 44.3(b) is amended as follows:

§ 44.3 Procedure in applying for visa.

* * * * *

(b) *Form and place of application.* Every applicant for an immigrant visa under section 15 of the Act shall make application therefor on Form FS–510 in accordance with the provisions of section 222 of the Immigration and Nationality Act and §§ 42.110 through 42.118 of this chapter, except as otherwise provided in § 44.2 (a), (b), and (c) with respect to the place of application.

21. Section 44.6 is amended as follows:

§ 44.6 Procedure in issuing visas.

The issuance of special nonquota immigrant visas under section 15 of the Act shall be in accordance with the provisions of section 221 of the Immigration and Nationality Act and §§ 42.120 through 42.125 of this chapter. An immigrant visa issued under the Act shall bear a number assigned by the Department for use in issuing the visa, and shall also bear the petition number and approval date of the petition in the case of an applicant eligible under § 44.2(c).

Effective date. The regulations contained in this order shall become effective August 15, 1960.

The provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) relative to notice of proposed rule making are inapplicable to this order because the regulations contained therein involve foreign affairs functions of the United States.

J. W. HANES, Jr.,
Administrator, Bureau of Security and Consular Affairs.

JULY 18, 1960.

[F.R. Doc. 60–6845; Filed, July 22, 1960; 8:45 a.m.]

[Dept. Reg. 108.442]

PART 46—CONTROL OF ALIENS DEPARTING FROM THE UNITED STATES

Definitions

Part 46, Chapter I, Title 22 of the Code of Federal Regulations is hereby amended in the following respects:

The definitions of the terms "United States", "continental United States", and "departure-control officer" contained in § 46.1 are amended as follows:

§ 46.1 Definitions.

* * * * *

(e) The term "United States" means the several States, the District of Columbia, the Canal Zone, Puerto Rico, the Virgin Islands, Guam, American Samoa, Swains Island, the Trust Territory of the Pacific Islands, and all other territory and waters, continental and insular, subject to the jurisdiction of the United States.

(f) The term "continental United States" means the District of Columbia and the several States, except Alaska and Hawaii.

* * * * *

(i) The term "departure-control officer" means any immigration officer as defined in the regulations of the Immigration and Naturalization Service who is designated to supervise the departure of aliens, or any officer or employee of the United States designated by the Governor of the Canal Zone, the High Commissioner of the Trust Territory of the Pacific Islands, or the governor of an outlying possession of the United States, to supervise the departure of aliens.

Effective date. The regulations contained in this order shall become effective upon publication in the FEDERAL REGISTER.

The provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) relative to notice of proposed rule making are inapplicable to this order because the regulations contained therein involve foreign affairs functions of the United States.

Dated: July 16, 1960.

[SEAL] CHRISTIAN A. HERTER,
Secretary of State.

Concurred in: July 19, 1960.

WILLIAM P. ROGERS,
Attorney General.

[F.R. Doc. 60–6888; Filed, July 22, 1960; 8:45 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER A—ARMED SERVICES PROCUREMENT REGULATIONS

PART 1—GENERAL PROVISIONS

PART 4—SPECIAL TYPES AND METHODS OF PROCUREMENT

PART 5—INTERDEPARTMENTAL PROCUREMENT

PART 7—CONTRACT CLAUSES AND FORMS

PART 12—LABOR

Miscellaneous Amendments

The following amendments to this subchapter are issued by direction of the Assistant Secretary of Defense (Supply and Logistics) pursuant to the authority contained in Department of Defense Directive No. 4105.30, dated March 11, 1959 (24 F.R. 2260) and 10 U.S.C. 2202, and have the concurrence of the military departments.

1. The following sections and subparts are revoked: §§ 1.201–15, 1.201–17, 1.305, 1.305–1, 1.305–2, 1.305–3, 1.305–4, 1.305–5, 1.305–6, 1.305–7, 1.306, 1.306–1, 1.306–2, 1.306–3, 1.306–4, 1.306–5, 1.306–6, 1.306–7, 1.306–8, 1.306–9, 1.306–10, 1.306–11, 1.306–12, 1.309, 1.310, 1.310–1, 1.310–2, 1.310–3, 4.000, 4.001, 4.002, Subparts A and B, Part 4, §§ 7.201, 7.501, 12.001.

2. Sections are redesignated as indicated in the following tabulation:

From:	To
1.201–1	1.201–5
1.201–2	1.201–15
1.201–3	1.201–14
1.201–4	1.201–7
1.201–5	1.201–3
1.201–6	1.201–4
1.201–7	1.201–13
1.201–8	1.201–20
1.201–9	1.201–18
1.201–10	1.201–6
1.201–11	1.201–16
1.201–12	1.201–10
1.201–13	1.201–8
1.201–14	1.201–21
1.201–16	1.201–12
1.201–18	1.201–11
1.201–19	1.201–17
1.201–20	1.201–2
1.201–21	1.201–19
1.201–22	1.201–1
1.303	1.306
1.304	1.311
1.308	1.307
1.308–1	1.307–1
1.308–2	1.307–2
1.311	1.308
1.312	1.309
1.313	1.310
1.314	1.303
1.315	1.305
1.315–1	1.305–1
1.315–2	1.305–2
1.315–3	1.305–3
1.315–4	1.305–4
1.316	1.304
1.317	1.312
1.318	1.313

3. Subpart C, Part 4, is redesignated as Subpart L, Part 5, and §§ 4.301, 4.301–1, 4.301–2 and 4.301–3 are redesignated as §§ 5.1201, 5.1201–1, 5.1201–2 and 5.1201–3, respectively.

4. Add new §§ 1.103–5 and 1.201–9 as follows:

§ 1.103–5 Dating contract clauses.

Contract clauses in this subchapter are identified by showing the month and year of issuance of the clause, as most recently revised, in parentheses immediately after the title, e.g. Incentive Price Revision (Jul. 1958). Where an alternative paragraph is provided for insertion in a clause, the identifying date is shown in parentheses immediately following the text of the paragraph. In contract forms using ASPR clauses, each clause should be shown with its indentifying date in the manner prescribed above, except that (a) standard forms are not subject to this requirement and (b) Department of Defense forms and Departmental forms that were issued prior to October 1, 1960 should not be revised solely to meet this requirement. Where a clause to be used in a contract represents a deviation from this subchapter, a date will not be shown.

§ 1.201–9 Labor surplus area concern.

See § 1.801–1.

5. Add new Subparts L, M, and N to Part 1, as follows:

Subpart L—Specifications, Plans, and Drawings

§ 1.1201 General.

(a) Plans, drawings, specifications or purchase descriptions for procurements shall state only the actual minimum needs of the Government and describe the supplies and services in a manner which will encourage maximum competition and eliminate, insofar as is possible, any restrictive features which might limit acceptable offers to one supplier's product, or the products of a relatively few suppliers. Items to be procured shall be described by reference to the applicable specifications or by a description containing the necessary requirements.

(b) Many specifications cover several grades or types, and provide for several options in methods of inspection, etc. When such specifications are used, the invitation for bids or request for proposals shall state specifically the grade, type, or method of inspection, etc., on which bids or offers are to be based.

§ 1.1202 Mandatory specifications.

(a) Except as provided in paragraph (b) of this section the following specifications are mandatory for use by the Department of Defense in the procurement of supplies and services covered by such specifications:

(1) Federal specifications, unless determined by the Department of Defense to be inapplicable for its use; and

(2) Coordinated Military specifications approved by the Department of Defense for its use.

(b) Federal and Military specifications need not be used for the following unless required by Departmental instructions:

(1) Purchase incident to research and development;

(2) Purchase of items for test or evaluation;

(3) Purchase of laboratory test equipment for use by Government laboratories;

(4) Purchase of items for authorized resale except military clothing;

(5) Purchase of items in an amount not to exceed $2,500 (multiple small purchases of less than $2,500 of the same item shall not be made for the purpose of avoiding the use of Federal or Military specifications);

(6) Purchase of one-time procurement items; or

(7) Purchase of items for which it is impracticable or uneconomical to prepare a specification (repetitive use of a purchase description containing the essential characteristics of a specification will be construed as evidence of improper use of this exception).

(c) If it is determined, in accordance with the procedures established under the Defense Standardization Program by the Assistant Secretary of Defense (Supply and Logistics), that the specifications listed in paragraph (a) of this section do not meet the particular or essential needs of a bureau, service, or command, then (except as provided in paragraph (b) of this section) applicable interim Federal specifications or limited coordinated Military specifications should be used.

(d) Whenever a specification is found to be inadequate, immediate action shall be taken to effect the issuance of an amendment or revision in accordance with established procedures to obviate the necessity for repeated departures from the specification.

§ 1.1203 Availability of specifications, plans, and drawings.

Invitations for bids and requests for proposals will:

(a) So far as practicable, be accompanied by all applicable specifications, plans, and drawings, and shall so state that fact;

(b) State the exact locations where all applicable specifications, plans, and drawings may be obtained by prospective contractors and that such specifications, plans, and drawings were not furnished with the invitation for bids or request for proposal; or

(c) If distribution of applicable specifications, plans, or drawings is impracticable, state a reasonable number of locations at which they may be examined.

§ 1.1204 Packaging requirements.

Appropriate preservation, packaging, packing, and marking requirements will be included in contracts as applicable.

§ 1.1205 Offshore procurement.

Contracting officers accomplishing offshore procurement are authorized to use, where necessary, such specifications, standards, and purchase descriptions of foreign governments, or groups thereof, foreign trade associations, or purchase descriptions developed locally which will be readily understood by foreign vendors, provided, adequate measures are taken to insure satisfactory and acceptable products, including standard and interchangeable items, where required.

§ 1.1206 Purchase descriptions.

(a) A purchase description may be used in lieu of a specification when authorized by § 1.1202(b) and, subject to the restriction on repetitive use in § 1.1202(b)(7), where no applicable specification exists. A purchase description should set forth the essential characteristics and functions of the items or materials required. Purchase descriptions shall not be written so as to specify a product, or a particular feature of a product, peculiar to one manufacturer and thereby preclude consideration of a product manufactured by another company, unless it is determined that the particular feature is essential to the Government's requirements, and that similar products of other companies lacking the particular feature would not meet the minimum requirements for the item. Purchase descriptions of services to be procured should outline to the greatest degree practicable the specific services the contractor is expected to perform.

(b) Generally, the minimum acceptable purchase description is the identifi-

cation of a requirement by use of brand name followed by the words "or equal." This technique should be used only as a last resort when an adequate specification or more detailed description cannot feasibly be made available in time for the procurement under consideration. Where feasible, more than one brand name should be indicated. However, the words "or equal" should not be added when it has been determined in accordance with paragraph (a) of this section that only a particular product meets the essential requirements of the Government, as, for example, (1) where the required supplies can be obtained only from one source; (2) procurements negotiated under § 3.207 of this subchapter for specified medicines or medical supplies where it has been determined that only a particular brand name will meet the essential requirements of the Government; or (3) procurements negotiated under § 3.208 of this subchapter for supplies for resale where it has been determined by a selling activity that only a particular brand name will meet the desires or preferences of its patrons.

(c) (1) Where a "brand name or equal" purchase description is used, prospective contractors must be given the opportunity to offer supplies other than those specifically named by brand if such other supplies will meet the needs of the Government in essentially the same manner as those specified by brand. The "brand name or equal" description should specifically set forth those salient characteristics of the named supplies which are essential to the needs of the Government. For example, where interchangeability of parts is required, such requirement should be specified. Where a "brand name or equal" description refers to items, names, and numbers published in manufacturers' catalogs, the invitation for bids or request for proposal shall clearly identify the supplies called for. Such identification should include, for example, complete item names, identification of catalogs, and applicable catalog numbers with the corresponding catalog descriptions. The contracting officer will insure that a copy of any catalogs referenced (except parts catalogs) is available on request for review by bidders at the purchasing office.

(2) When a brand name or equal purchase description is included in an invitation for bids:

(i) The following shall be inserted after each item so described in the invitation for completion by the bidder.

Bidding on:
Manufacturer's Name ___ Brand ___ No. ___

(ii) In addition, the following clause shall be included in the invitation:

BRAND NAME OR EQUAL (JAN. 1960)

As used in this clause, the term "brand name" includes identification of supplies by make and model.

Certain supplies called for by this Invitation for Bids are identified in the schedule by a brand name "or equal" description. This identification is descriptive rather than restrictive. Bids offering "or equal" supplies will be considered for award if such supplies are clearly identified in the bids and are determined by the Government to be equal to the brand named supplies in all material respects.

Bidders must clearly indicate whether their bids are based on a brand name item or on an "equal" item by furnishing the information required below. IF THE BIDDER DOES NOT IDENTIFY THE BRAND NAME OR DESCRIBE IN FULL THE "OR EQUAL" ITEM WHICH IS OFFERED, AS PROVIDED IN (1) AND (2) BELOW, THE BID WILL BE REJECTED.

(1) If the bidder proposes to furnish a brand name item specified in this Invitation for Bids, such brand name shall be inserted in the space provided after each item so described.

(2) If the bidder proposes to furnish an "or equal" item, the brand name of the item proposed to be furnished, if any, shall be inserted in the space provided after each item so described, and in addition, the following descriptive data must be furnished:

A full description thereof, including pertinent physical, mechanical, electrical, and chemical details and a statement explaining the differences between the items being offered and any one of the corresponding brand name items called for by this Invitation for Bids. (This information may be supplied by separate attachments to the bid.)

In negotiated procurements the foregoing provisions may be suitably modified for use in the requests for proposals. If such provisions are not used, prospective contractors shall be informed that proposals offering supplies differing from those identified by brand name will be considered if the contracting officer determines that such offered supplies are equal in all material respects to the supplies identified by brand name. But the requirements of this subparagraph are not mandatory for small purchases made pursuant to Subpart F, Part 3, of this subchapter.

(3) Bids or proposals offering supplies which differ from the brand name supplies shall be considered for award where the contracting officer determines that the offered supplies conform to all characteristics specified in the invitation for bids or request for proposals and otherwise meet the needs of the Government in essentially the same manner as the brand name supplies. Bids or proposals shall not be rejected because of minor differances in design, construction, or features which do not affect the suitability of the supplies.

(4) Award documents shall identify, or incorporate by reference an identification of, the specific supplies (including any brand name and descriptive data specified in the bid) which the contractor is to furnish.

§ 1.1207 Alternate articles or qualities.

Invitations for bids and requests for proposals may provide for alternate bids or proposals on different articles or qualities of material, e.g., where two or more articles will be equally acceptable to the Government depending upon relative price. However, the alternate articles or qualities must be precisely described to assure that the same degree of competition is obtainable on the alternate bids or offers as is obtainable on the basic articles described.

Subpart M—Transportation

§ 1.1301 General.

(a) The transportation factors discussed in this subpart are important in awarding and administering contracts to insure that procurements are on the basis most advantageous to the Government, all factors considered, and that supplies arrive at the right place at the right time and in good condition. Traffic management advice and assistance shall be sought by and given to contracting officers and contract administrators, including property administrators who are concerned with the movement of Government property to, from, and between plants of contractors and subcontractors. Requiring activities should consider transportation factors before submitting purchase requests and should give purchasing activities instructions so that they are able to evaluate all applicable traffic management factors.

(b) As used in this subpart the term "United States" does not include Alaska or Hawaii.

§ 1.1302 Place of delivery.

§ 1.1302–1 Shipments within the United States.

Unless there are valid reasons to the contrary, the procurement of supplies from sources within the United States for ultimate delivery to destinations within the United States shall be in accordance with the following policy:

(a) When it is estimated that a contract will require no shipment to a single destination which will equal a minimum carload or truckload lot, delivery shall be on the basis of all transportation charges paid to destination;

(b) When it is estimated that a contract will require a shipment of a minimum carload or truckload lot, delivery shall be on the basis of whichever of the following is more advantageous to the Government:

(1) At the Government's option, f.o.b. carrier's equipment, wharf, or freight station at a specified city or shipping point at or near contractor's plant; or

(2) All transportation charges paid to destination. Solicitations shall provide that bidders or offerors may make bids or proposals on either or both of these bases. In the absence of specific information to the contrary, a minimum carload or truckload lot shall be deemed to be approximately 20,000 pounds.

§ 1.1302–2 Shipments from the United States for oversea delivery.

Unless there are valid reasons to the contrary, purchases of supplies originating within the United States for ultimate delivery to destinations outside the United States, regardless of the quantity of the shipment, shall be made on the basis of delivery at the Government's option, f.o.b. carrier's equipment, wharf, or freight station at a specified city or shipping point at or near contractor's plant. This policy applies to supplies shipped either directly to a port area for export or to storage areas for subsequent reshipment to a port area for export.

§ 1.1302–3 Shipments originating outside the United States.

Selection of place of delivery for shipments originating outside the United States shall be in accordance with procedures prescribed by the Department concerned.

§ 1.1303 Quantity analysis.

When additional quantities of the item being purchased can be transported at no increase in transportation cost or when purchase of carload or truckload quantities will result in lower unit transportation costs, the purchasing activity should find out from the requiring activity whether there is a known requirement for additional quantities.

§ 1.1304 Commodity description.

A complete description of the commodity being purchased, including packing and packaging instructions, is necessary not only to enable the supplier to bid or quote properly on the requirement, but also for determination of proper transportation charges. In no case shall the manufacturer's part number only be shown without the appropriate descriptive nomenclature.

§ 1.1305 Delivery terms.

§ 1.1305–1 F.o.b. origin or destination.

Solicitations for supplies to be purchased either f.o.b. origin or f.o.b. destination in accordance with § 1.1302–1 (b) shall provide that bids or proposals may be submitted on either or both bases and that they will be evaluated on the basis of the lowest overall cost to the Government. Invitations for bids and requests for proposals shall include so much of the following information as is pertinent to the particular procurement and shall require prospective suppliers to furnish the Government such of the following as may be appropriate:

(a) Method of shipment, such as rail, water, air, or truck;

(b) Minimum quantities or lots, such as carloads, truckloads, less than carloads, or less than truckloads (Where appropriate, the solicitation should elicit information of the minimum size of the shipment which the prospective supplier will make, so that the evaluation of transportation most may be on a realistic basis. The prospective supplier should be cautioned that, if he tenders shipments in lesser quantities, he may be charged with any resulting excess cost.);

(c) Guaranteed shipping weight (If shipping weight and cube of items to be procured are not shown in the solicitation, prospective suppliers should be required to furnish this information so that proper transportation costs can be computed. The prospective supplier should be cautioned that, if actual shipping weights or cubes vary from the guarantees, he may be charged with any resulting excess cost.);

(d) Packing, crating and other preparations;

(e) Transit privileges (§ 1.1308); and

(f) Any other shipping information required for evaluation.

§ 1.1305–2 F.o.b. destination.

Generally, solicitations for supplies to be purchased f.o.b. destination shall provide that supplies shall be delivered, all transportation charges paid by the contractor, to the specified destination. The solicitation shall inform prospective suppliers of any known shortage of transportation facilities at destination or other factors which may affect the supplier's transportation costs. When f.o.b. destination bids only are desired, the invitation for bids shall specify that bids submitted on a basis other than f.o.b. destination will be rejected as nonresponsive.

§ 1.1305–3 F.o.b. origin.

Generally, solicitations for supplies to be purchased f.o.b. origin shall provide for delivery, at the Government's option, f.o.b. carrier's equipment, wharf, or freight station at a city or shipping point to be specified by the bidder or offeror at or near the contractor's plant. This will enable the military traffic management offices, in issuing routing instructions, to select the mode of transportation which will provide the required service at the lowest cost. The solicitation shall state that bids or proposals will be evaluated on the basis of the lowest overall cost to the Government, taking account of transportation costs to the Government from point of origin to the designated destinations. Thus, when material is to be purchased f.o.b. origin in accordance with § 1.1302–2 for ultimate delivery to known destinations outside the United States, the solicitation will state that bids or proposals will be evaluated so as to take into account the cost to the Government of shipment from the point of origin to the overseas destinations. Contracting officers shall request the appropriate transportation officer to furnish any transportation rates and port handling charges required for use in evaluating bids or proposals. When f.o.b. origin bids only are desired, the invitations for bids will specify that bids submitted on a basis other than f.o.b. carrier's equipment, wharf, or freight stations at a specified city or shipping point at or near the contractor's plant will be rejected as nonresponsive.

§ 1.1305–4 Destination unknown.

When the exact destinations of the supplies being purchased are not known at the time bids or proposals are solicited, but the general location of the destination, such as East Coast, Middle West, or West Coast, is known, a definite place or places shall be designated as the point to which transportation costs will be computed—but only for the purpose of evaluating bids or proposals. The solicitation shall specify that bids or proposals should be submitted f.o.b. origin and that shipments will be made on Government bills of lading. The solicitation shall state:

For the purpose of evaluating (bids) (proposals), and for no other purpose, the final destination for the supplies will be considered to be as follows: [Name destinations]. Invitations for bids shall contain a statement that bids submitted on a basis other than f.o.b. origin will be rejected as nonresponsive.

§ 1.1306 Consignment and marking instructions.

Complete consignment and marking instructions, to the extent that they are known at the time the contract is awarded, shall be included in contracts to assist in insuring that supplies will be delivered to proper destinations without delay. "Military Standard Marking of Shipments (MIL–STD–129B)" shall be consulted for proper marking instructions. In those cases where complete consignment information is not initially known, additional instructions to the contractor shall be furnished as soon as such information becomes known. In contracts which provide for delivery f.o.b. origin and shipment on Government bills of lading, consignment instructions may be limited to the mail address of the consignee, provided the contract instructions state that "Shipments other than mail shall be consigned as indicated on the Government bill of lading furnished to the Contractor." It should be noted that receiving activities may have different consignment points for the various transportation media, or even for particular carriers within a medium depending on the weight, shape, size or nature of the shipment involved.

§ 1.1307 Scheduling of deliveries to permit consolidation of shipments.

The accumulation of small shipments into carload or truckload lots will result in lower transportation costs. Also, the accumulation of small shipments into less than load shipments may result in lower transportation costs. Upon review of the purchase request, and in conjunction with the requiring or requisitioning activity, consideration shall be given to revising delivery schedules to provide for deliveries in larger quantities. In some cases, delivery schedules for supplies to be delivered to multiple destinations can be consolidated and the stop-off in transit privilege used for partial unloading at one or more points directly en route between the point of origin and the last destination.

§ 1.1308 Transit arrangements.

Transit arrangements afford an opportunity to stop carload or truckload shipments at specific intermediate points en route to the final destination in order to store, process, or fabricate, or for other purposes as specified in carriers' applicable tariffs. A single through rate from origin to final destination, plus a transit or other related charge if applicable, is charged in lieu of a combination of rates to and from the transit point which would result in higher costs. Consideration should be given to possible benefits to the Government through the use of such transit arrangements. Traffic management personnel can furnish necessary information and analyses of situations where such transit arrangements may be beneficial.

§ 1.1309 Rates and volume shipments.

Procurements involving volume shipments (as defined in departmental instructions) shall be referred at the earliest practicable time to the appropriate military traffic management office for a determination of the reasonableness of applicable current rates. Generally, carriers are required by both Federal and State laws to charge all shippers equally for like transportation and associated services. However, when Government traffic possesses more favorable transportation characteristic (greater volume, heavier loading, less likelihood of damage, etc.) than commercial traffic between the same origins and destinations, freight rates are often lower for the Government traffic, as in the case of quotations under section 22 of the Interstate Commerce Act (49 U.S.C. 22) and similar tenders. Rate information necessary to properly evaluate offers shall be obtained from the appropriate military traffic office.

§ 1.1310 Crosshauling and backhauling.

Crosshauling is the shipment of material of the same kind in reverse directions. Backhauling is the shipment of material from a geographical area to or through another geographical area from which the material previously had been shipped. Crosshauling and backhauling waste transportation funds, facilities and equipment. To reduce crosshauling and backhauling, purchase requests or authorizations should contain as complete and accurate transportation (including destination) data as possible.

§ 1.1311 Unusually large or heavy shipments.

Before purchasing unusually large, heavy, high, wide, or long items, the appropriate transportation office shall be consulted in order that any transportability difficulties may be considered. Additional costs, such as the use of special equipment, excess blocking and bracing material, circuitous routing, etc., incident to these shipments shall also be considered, in conjunction with the freight rate, in determining total transportation costs.

§ 1.1312 Mode of transportation.

Generally, the military traffic management office is the proper authority to specify the mode and routing of shipments. If urgency in delivery is a factor, the appropriate military traffic management office shall be so informed in order that routing authorities may select the appropriate means of transportation.

Subpart N—Preference for United States-Flag Privately Owned Ocean Carriers

§ 1.1401 Definitions.

As used in this subpart:

(a) "Dry bulk carriers" are ships for the carriage of shipload lots of homogeneous unmarked cargoes such as grain, coal, cement and lumber;

(b) "Dry cargo liners" are ships for the carriage of heterogeneous marked cargoes in parcel lots. However, any cargo can be carried in such ships, including part cargoes of bulk items such as those mentioned above, or, when carried in deep tanks, bulk liquids such as petroleum and vegetable oils;

(c) "Tankers" are ships used for carriage of bulk liquid cargoes such as liquid petroleum products, vegetable oils and molasses;

(d) "Government vessel" means a vessel owned by the United States Government and operated directly by the Government or for the Government by an agent or contractor, including privately owned United States-flag vessels under bareboat charter to the Government;

(e) "Private United States vessels" means privately owned United States-flag commercial vessels, including such vessels when under voyage or time charter to the United States Government, and including Government-owned vessels under bareboat charter to private operators; and

(f) "United States-flag vessels" when used independently means both Government vessels and private United States vessels.

§ 1.1402 General.

It is the policy of the Department of Defense, in furtherance of the Cargo Preference Act (68 Stat. 832; 46 U.S.C. 1241(b)) and 10 U.S.C. 2631 to encourage and foster the American merchant marine. When transportation of supplies by ocean vessel is required:

(a) Private United States vessels shall be employed for the transportation of at least 50 percent of the aggregate gross tonnage per annum of the following categories of supplies:

(1) Supplies owned by the Government and in the possession of a Military Department, or of a contractor, or subcontractor of any tier, of a Military Department;

(2) Supplies for the use of the United States which are contracted for and require subsequent delivery to a Military Department but are not owned by the Government at the time of shipment; and

(3) Supplies procured, contracted for or otherwise obtained for non-reimbursable contribution to foreign assistance programs, but which are not owned by the Government at the time of shipment; provided, that this requirement shall not extend to the ocean transportation between foreign countries of supplies procured with local currency funds made available, or derived from funds made available, under the Mutual Security Act. Provided, that the allocation of gross tonnage will be computed separately for dry bulk carriers, dry cargo liners, and tankers and in such a manner as to assure fair and reasonable participation by geographic areas; and provided, that private United States vessels are available at fair and reasonable rates for such vessels;

(b) Only United States-flag vessels will be employed for the transportation of the supplies defined in paragraph (a)(1) of this section when such supplies are for the use of the Military Departments unless such vessels are not available at fair and reasonable United States-flag rates.

§ 1.1403 Applicability.

(a) For the purposes of this subpart the following geographical areas are established:

(1) *North Atlantic.* Includes Eastern Canada from the United States border to Goose Bay, Labrador; and Narsarssuak, Greenland.

(2) *U.S. East Coast.* Includes the eastern United States from the Canadian border to (and including) Key West, Florida.

(3) *U.S. Gulf.* Extends from (but excluding) Key West, Florida, to the Mexican border.

(4) *Caribbean.* Includes Bermuda; Bahamas; Cuba; Puerto Rico; Haiti; Dominican Republic; Jamaica; Windward and Leeward Islands; Trinidad; the eastern coast of Mexico; the eastern coast of Central America; and the northern coast of South America up to (and including) French Guiana.

(5) *Eastern South America.* Includes the eastern coast of South America from (but excluding) French Guiana to Cape Horn.

(6) *North Europe.* From the northern boundary of Portugal includes northern Atlantic and Biscay ports of Spain; Bordeaux/Hamburg range; Scandinavian and Baltic Sea ports; England, Wales, Scotland and Ireland; Iceland.

(7) *Mediterranean.* Azores; Canary Islands; Morocco; Spanish Morocco; Mediterranean ports extending from Gibraltar to Suez Canal; ports on Adriatic and Aegean Sea, Sea of Marmora and Black Sea; and Atlantic ports of Portugal and Spain from Gibraltar to the northern boundary of Portugal.

(8) *West Africa.* Includes the western coast of Africa from northern boundary of Rio de Oro to southern boundary of Angola and includes the Cape Verde Islands, Ascension Island and St. Helena.

(9) *South and East Africa.* Includes the southern and eastern coast of Africa and Madagascar from southern boundary of Angola on the west coast and around the south and east coast to Cape Guardafui between the Gulf of Aden and the Indian Ocean.

(10) *South Asia.* Extends from Suez to but excluding New Guinea. Includes the shores of the Red Sea; shore of the Gulf of Aden; the northern shores of the Indian Ocean including extensions such as the Persian Gulf; the East Indies including Borneo, the Celebes, etc., but excluding the Philippines and New Guinea; and the Malay Peninsula excluding Thailand.

(11) *New Guinea-Australia.* Includes Australia; New Guinea; Tasmania; New Zealand and Melanesia (comprising generally the Admiralty Islands, New Ireland, New Britain, the Solomons, New Hebrides and New Caledonia).

(12) *East Asia.* Includes the ports of the mainland and islands of East Asia from and including Thailand to and including Japan; includes the Philippines, Formosa, the Ryukyu Islands and the Bonins.

(13) *Hawaii-Central Pacific.* Hawaiian Islands; Wake/Marcus; and Oceania and Micronesia (comprising generally Palau, Marianas, Carolines, Gilberts, Fijis, Marquesas, Tuamotu Archipelago,

etc., but excluding oceanic island possessions of South American countries).

(14) *Alaska and Aleutian Islands.* Includes the western coast of Canada and Alaska (including the Aleutian Islands) south of Cape Prince of Wales.

(15) *U.S. Northwest.* Includes all Oregon and Washington ports.

(16) *U.S. West Coast.* Includes all California.

(17) *Western Mexico and Central America.* Includes the western coast of Mexico and the western coast of Central America.

(18) *Western South America.* Includes the western coast of South America from (and including) the Republic of Colombia to Cape Horn, and the Pacific Islands possessions of South American countries.

(19) *Exempt areas.* (i) Alaska north of Cape Prince of Wales.

(ii) Greenland, except Narsarssuak.

(iii) Northern and eastern Canada from Goose Bay, Labrador, to Alaska.

(iv) Ports and facilities under security restrictions in otherwise nonexempt areas.

(v) Antarctica.

(b) The procedures set forth below are applicable to all ocean shipments of supplies except:

(1) Shipments in vessels assigned to United States Navy fleets other than the Military Sea Transportation Service;

(2) Shipments which originate or terminate in "exempt areas" as established in paragraph (a)(19) of this section;

(3) Shipments which originate and terminate in the same geographic area; provided, however, that supplies of the type described in § 1.1402(a)(1) shall be transported in United States-flag vessels to the extent such vessels are available at fair and reasonable United States-flag rates;

(4) Shipments aboard vessels of the Panama Canal Company; and

(5) Shipments of classified supplies where the classification prohibits the use of non-Government vessels.

§ 1.1404 Procedures.

(a) Except for those supplies obtained for non-reimbursable contributions to foreign assistance programs for which the ocean transportation is to be provided by and at the expense of the recipient government, ocean transportation of supplies owned by the Government and in the possession of either a Military Department, or a contractor, or subcontractor of any tier, of a Military Department, will be provided by the Military Sea Transportation Service. Accordingly, any contract which may involve ocean transportation of property owned by the Government and in the possession of the contractor or any of his subcontractors (including any contract under which title to property may pass to the Government prior to shipment) shall include a provision requiring the shipment of such property only as directed by the contracting officer, who shall be guided by this subchapter and applicable Departmental procedures. The Military Sea Transportation Service shall take such action as may be necessary and practicable to assure proper utilization of Government vessels and private United States vessels in accordance with this subpart, and applicable regulations. The Commander of the Military Sea Transportation Service, or his designated representative is authorized to make any determination as to availability of United States-flag vessels required to assure such proper utilization.

(b)(1) Except as provided in subparagraph (2) of this paragraph, procuring activities shall include the following clause in any contract which may involve the ocean transportation of supplies of the type described in § 1.1402(a)(2) and (3):

EMPLOYMENT OF OCEAN-GOING VESSELS (JAN. 1958)

If ocean transportation is required after the date of award of this contract in delivering any of the supplies to be furnished hereunder, the Contractor, promptly after each shipment, shall furnish to the Contracting Officer one copy of the applicable ocean shipping document indicating for each shipment made under this contract the name and nationality of the vessel and the measurement tonnage (40 cubic feet) of dry cargo, or long tons (2,240 pounds) of bulk liquid cargo, shipped on such vessel; provided, that the Contractor need not furnish such a document for any shipment of less than 120 measurement tons of dry cargo or less than 35 long tons of bulk liquid cargo; provided further, if this contract is an indefinite quantity contract or a requirement contract, the Contractor need furnish such documents only in connection with shipments made after the date of any delivery order requiring ocean transportation in delivering supplies thereunder. Additional provisions concerning the vessels to be used may be inserted in accordance with Departmental procedures.

(2) The contract shall include the following clause in lieu of the clause set forth in subparagraph (1) of this paragraph when determined by the Head of a Procuring Activity to be necessary to assure proper implementation of the policy expressed in this section or when the procuring activity has been instructed, pursuant to § 1.1405–2, that particular supplies of the type described in § 1.1402(a)(2) and (3) are to be carried exclusively in private United States vessels:

PREFERENCE FOR UNITED STATES-FLAG VESSELS (DEC. 1955)

(a) After the date of award of this contract, the Contractor shall employ privately owned United States-flag commercial vessels, and no others, in the transportation by sea of any supplies to be furnished hereunder; provided, however, that if such vessels are not available for timely shipment at fair and reasonable rates for such vessels, the Contractor shall so notify the Contracting Officer and request authorization to ship in foreign-flag vessels or designation of available United States flag-vessels. If the Contractor is authorized in writing by the Contracting Officer to ship such supplies in foreign-flag vessels, the contract price shall be equitably adjusted to reflect the difference in costs of shipping such supplies on privately owned United States-flag commercial vessels and foreign-flag vessels.

(b) Promptly after each shipment the Contractor shall furnish the Contracting Officer one copy of the applicable shipping document indicating for each shipment made under this contract the name and nationality of the vessel and the measurement tonnage (40 cubic feet) of dry cargo, or long tons (2,240 pounds) of bulk liquid cargo, shipped on such vessels.

§ 1.1405 Responsibilities.

§1.1405–1 Military departments.

(a) Each Military department will furnish quarterly reports to the Office of the Secretary of Defense, showing the gross tonnage of all supplies owned, procured, contracted for or otherwise obtained (computed separately for dry bulk carriers, dry cargo liners, and tankers) which have been transported by ocean carrier, during the report period. Such report will consist of two parts. Part I shall include all tonnage subject to this section except Military Assistance Program tonnage and shall also show the geographic area of origin and of destination and shall separately reflect all such information for:

(1) Private United States vessels;

(2) Government vessels (showing separately where Government vessels were used due to nonavailability of private United States vessels); and

(3) Foreign-flag vessels (showing separately where foreign vessels were used due to nonavailability of United States-flag vessels).

Part II shall show all Military Assistance Program tonnage shipped showing the geographic areas of origin and of destination and shall separately identify any shipments in other than foreign-flag vessels. Cargoes transported under arrangements made by the Military departments. Until a Department of Defense report form is announced in Part 16 of this subchapter, the Military departments will maintain records of required information and prepare reports in accordance with departmental procedures. After promulgation, the appropriate Department of Defense form will be used by the Military departments in furnishing the required reports, except that if a Military department develops, for its own use, reports which meet the requirements of this section, and which are acceptable to the Assistant Secretary of Defense (Supply and Logistics), such reports may be forwarded in lieu of the Department of Defense form.

(b) The Department of Navy will also furnish quarterly reports in two parts to the Office of the Secretary of Defense showing the gross tonnage of all supplies (computed separately for dry bulk carriers, dry cargo liners and tankers) for which transportation has been arranged by the Military Sea Transportation Service by geographic areas of origin and destination for:

(1) Private United States vessels;

(2) Government vessels (showing separately where Government vessels were used due to nonavailability of private United States vessels); and

(3) Foreign-flag vessels (showing separately where foreign vessels were used due to nonavailability of United States flag vessels).

Part I shall include all tonnage subject to this section except Military Assistance Program tonnage, and Part II shall show Military Assistance Program tonnage.

§ 1.1405–2 Office of the Secretary of Defense.

The Office of the Secretary of Defense will evaluate the reports submitted under § 1.1405–1. In the event the evaluation of the reports indicates the need for increased utilization of private United States vessels, the Office of the Secretary of Defense shall issue appropriate instructions to the Military departments.

6. Add new Part 4, as follows:

PART 4—SPECIAL TYPES AND METHODS OF PROCUREMENT

Subpart A—[Reserved]

Subpart B—[Reserved]

Subpart C—[Reserved]

Subpart D—[Reserved]

Subpart E—Procurement by Barter—Commodity Credit Corporation

SEC.

AUTHORITY: §§ 4.501 to 4.503 issued under R.S. 161, sec. 2202, 70A Stat. 120; 5 U.S.C. 22, 10 U.S.C. 2202. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

Subpart A—[Reserved]

Subpart B—[Reserved]

Subpart C—[Reserved]

Subpart D—[Reserved]

Subpart E—Procurement by Barter—Commodity Credit Corporation

§ 4.501 General.

The purpose of this subpart is to establish procedures which will assist the Commodity Credit Corporation to arrange and to make, through private trade channels, barters and exchanges of United States surplus agricultural commodities.

§ 4.502 Procurement effected within the United States.

(a) On requirements of $100,000 or more for:

(1) Materials or equipment required in connection with foreign economic and military aid and assistance programs;

(2) Materials or equipment required for offshore construction programs; or

(3) Other supplies not subject to the Buy American Act or the limitations contained in the Annual Appropriations Act (Berry Amendment), or which have been previously excepted therefrom pursuant to Subpart F, Part 1 of this subchapter; the purchasing office shall send a copy of the invitation for bids or request for proposals to the Commodity Credit Corporation, Barter and Stockpiling Division, U.S. Department of Agriculture, Washington 25, D.C.

(b) Such invitations for bids or requests for proposals shall contain appropriate space for indicating alternate prices, one clearly labeled for barter prices and the other clearly labeled for non-barter prices. In addition, such invitations for bids and request for proposals shall include the following clause:

NOTE—PAYMENT BY BARTER (JUN. 1957)

Attention is directed to section 303 of the Agricultural Trade Development and Assistance Act of 1954 (Pub. Law 480, 83d Cong.) which authorizes the disposal by barter or exchange of surplus agricultural commodities for use outside of the United States, its possessions and Puerto Rico. BIDDERS OR OFFERORS INTERESTED IN A BARTER ARRANGEMENT (accepting payment in agricultural commodities for use outside of the United States, its possessions, and Puerto Rico rather than in dollars) SHOULD CONSULT AND MAKE APPROPRIATE ARRANGEMENTS WITH THE COMMODITY CREDIT CORPORATION, Barter and Stockpiling Division, United States Department of Agriculture, Washington 25, D.C., prior to submitting a bid.

Simultaneously with the issuance of this invitation for bids or request for proposals, a copy thereof is being furnished to the Commodity Credit Corporation.

Bids or proposals may be made on a barter basis, or on a non-barter basis, or on both bases in the alternative. Bids or proposals on either basis shall be stated in terms of dollars, not in terms of the desired commodity. Arrangements for converting dollar receipts under the contract into commodities must be made by separate agreement with the Commodity Credit Corporation.

Any bid or proposal based on a barter arrangement must be submitted directly to the purchasing office issuing this invitation for bids or request for proposals. In addition, a copy of the official bid or proposal must be forwarded to the Commodity Credit Corporation, by the time specified for submitting bids or proposals, in a sealed envelope marked with the invitation for bids or request for proposals number, and the date and time of opening by the purchasing office.

The Commodity Credit Corporation will consider the barter aspects of all such bids or proposals and will then advise the purchasing office issuing this Invitation for Bids or Request for Proposals which bids or proposals, if any, based on a barter arrangement are acceptable to the Commodity Credit Corporation. Any such bids or proposals which are acceptable to the Commodity Credit Corporation will be considered and evaluated by the purchasing office in connection with the evaluation of the non-barter bids or proposals received hereunder. If the lowest acceptable barter type bid or proposal is equal to or less than the price of the lowest responsive non-barter bid or proposal, preference will be given to the barter type bid or proposal.

No award will be made on a barter basis unless the bidder or offeror has entered into a suitable agreement with the Commodity Credit Corporation and the Commodity Credit Corporation has informed the purchasing office that the barter bid or proposal is acceptable. If the award is made on the basis of a barter type bid or proposal, the bidder or offeror, pursuant to the clause of the contract entitled Assignment of Claims and notwithstanding any language to the contrary contained therein, hereby irrevocably assigns all the moneys due or to become due under the resultant contract to the Commodity Credit Corporation. The bidder or offeror will be entitled to acquire commodities on the basis of its agreement with the Commodity Credit Corporation.

(c) The Commodity Credit Corporation will retain the barter bids or proposals which it receives in a locked container or until at least 24 hours after the specified opening time for bids or proposals. The bids or proposals based on a barter arrangement will then be opened and analyzed by the Commodity Credit Corporation, which will advise the contracting officer as to which such bids or proposals are acceptable to the Commodity Credit Corporation.

(d) The contracting officer shall make an award on the basis of the lowest responsive bid or proposal, and shall advise the Commodity Credit Corporation in the event the award is made on the basis of a barter type bid or proposal. No award will be made until the Commodity Credit Corporation advises the procuring office as to which barter type bids or proposals, if any, are acceptable, or until ten days after the date set for the opening of bids or receipt of proposals. If the lowest acceptable bid or proposal is on a barter basis, the contracting officer, prior to making the award, shall require such bidder or offeror to furnish evidence of an agreement with the Commodity Credit Corporation covering the payment and assignment arrangements. Where no barter type bids are received by the Commodity Credit Corporation, the Commodity Credit Corporation will promptly advise the contracting officer.

(e) Where the award is made on the basis of a barter type bid or proposal, payment will be made in accordance with the terms of the contract, but to the Commodity Credit Corporation rather than directly to the contractor.

(f) Negotiated contracts based on a barter type proposal shall contain a provision reciting the irrevocable assignment of the contractor's claim for payment to the Commodity Credit Corporation.

§ 4.503 Procurement effected outside the United States.

On procurements of $100,000 or more for supplies or services, except those procurements to be funded and denominated in local currencies or funded in dollars and denominated in local currencies, major overseas commands shall utilize the procedures outlined below:

(a) Major overseas commands shall make available to designated representatives of the Commodity Credit Corporation a copy of all new contracts resulting from procurements described above.

(b) Contracting officers shall distribute to prospective contractors, with the Invitation for Bids or Request for Proposals, or during the course of negotiations, a Commodity Credit Corporation information sheet describing the procurement by barter program.

(c) Designated representatives of the Commodity Credit Corporation are authorized direct contact with contracting officers for the purpose of obtaining information with respect to pertinent clauses in specific existing contracts which may affect barter negotiations.

(d) Commodity Credit Corporation may obtain from a contractor an assignment of moneys due or to become due to the contractor and must, in accordance with the provisions of the Assignment of Claims clause, forward a Notice of Assignment of Claims to the contracting officer, to the disbursing officer, and to any sureties on the contract. The contracting officer shall insure that the Notice of Assignment of Claims is signed by an authorized representative of the Commodity Credit Corporation and that

a true copy of the instrument of assignment between the contractor and the Commodity Credit Corporation is attached to the notice. The contracting officer shall acknowledge receipt of the Notice of Assignment of Claims from the Commodity Credit Corporation.

(e) Upon presentation of invoices by the contractor, the contracting officer shall insure that each invoice contains a statement by the contractor that he recognizes the assignment to the Commodity Credit Corporation, its validity, and the right of the Commodity Credit Corporation to receive payment. Disbursing officers shall effect appropriate payments to the Commodity Credit Corporation for the amount of the invoice, less any authorized deductions.

7. Add new Subpart K to Part 5, as follows:

Subpart K—Coordinated Procurement

§ 5.1100 Definitions.

As used in this subchapter, the following terms have the meanings set forth below:

§ 5.1100–1 Coordinated procurement.

Coordinated procurement refers to procurement (a) of supplies and services pursuant to § 5.1116 and (b) of supplies under single procurement as defined in § 5.1100–2.

§ 5.1100–2 Single procurement.

Single procurement refers to procurement of supplies pursuant to assignments of procurement responsibility made by the Secretary of Defense. The following are approved types of single procurement.

(a) Single department procurement, whereby one Military Department procures certain supplies to satisfy the requirements of all the Military Departments.

(b) Plant cognizance procurement, whereby one Military Department procures certain supplies from a particular plant to satisfy the requirements of all the Military Departments. This type of procurement is limited presently to airframes, aircraft engines, and propellers.

(c) Joint procurement, whereby a jointly staffed and financed agency within the Department of Defense procures certain supplies to satisfy the requirements of all the Military Departments.

§ 5.1100–3 Requiring department.

Requiring department refers to the Military Department originating a requisition or purchase request for supplies.

§ 5.1100–4 Procuring department.

Procuring department refers to the Military Department or agency which is assigned the procurement responsibility for the supplies.

§ 5.1100–5 Military interdepartmental purchase request (MIPR).

Military interdepartmental purchase request (MIPR) refers to DD Form 448 (Military Interdepartmental Purchase Request) (see § 16.601 of this subchapter) executed by a Requiring Department, as a request for supplies to be procured or furnished by the Procuring Department, or to be manufactured in its own facilities.

§ 5.1101 Application of procurement assignment.

Single procurement in the form of single department, joint agency, or plant cognizance procurement shall be effected whenever it will result in net advantages to the Department of Defense as a whole, except so far as it can be demonstrated that the use of such a procurement method will adversely affect military operations. Single department procurement assignments in Alaska, Hawaii, and outside the remainder of the United States, regardless of funds utilized, will be determined by the respective Unified Commanders. Implementation of such assignments will be effected within the unified commands under the direction of the Unified Commander.

§ 5.1102 Responsibilities under single procurement.

§ 5.1102–1 Single department procurement.

The Procuring Department is generally responsible for the following, under single department procurement (for specific assignment of procurement responsibilities, see Department of Defense Instruction Number 4115.1, dated March 18, 1957, Subject: Department of Defense Single Procurement Assignments, and any amendments thereto);

(a) Operational phases of procurement planning (phasing the submission of requirements, consolidating or dividing requirements, analyzing the market, and determining patterns for the phased placement of orders in such a manner as to assure meeting the needs of the Military Departments at the lowest possible price to the Government, and at the same time avoiding unnecessary peaks and valleys of production);

(b) Purchasing;

(c) Contract administration, including arrangements for followup and expediting;

(d) Acquisition of licenses under patents or other proprietary rights covering the subject matter of the procurement and the settlement of patent infringement claims arising out of the procurement. Approval of the Military Department or Departments whose funds are to be charged for the acquisition of licenses or settlement of claims will be obtained;

(e) Arrangement for inspection; and

(f) Arrangement for transportation.

§ 5.1102–2 Joint procurement.

Responsibilities for procurement by a Joint agency are as set forth in the individual agency charter.

§ 5.1102–3 Plant Cognizance Procurement.

Responsibilities for procurement and mobilization planning are as set forth in Department of Defense Instruction Number 4115.1, dated March 18, 1957, Subject: Department of Defense Single Procurement Assignments, and any amendments thereto.

§ 5.1103 General principles governing implementation of procurement assignments.

§ 5.1103–1 Standard format — development and promulgation of implementing procedures.

Implementation of a procurement assignment shall be accomplished in accordance with Section V (implementation) Department of Defense Instruction 4115.1, dated March 18, 1957, Subject: Department of Defense Procurement Assignments, and any amendments thereto.

§ 5.1103–2 Relationship between research and development and single procurement.

Items are not subject to procurement assignment until they have reached the production stage.

§ 5.1103–3 Small dollar value purchases.

Requirements of small dollar value will be procured in accordance with the provisions of the approved implementing procedures covering the particular assignment. Such implementing procedures will normally provide a small dollar value limitation of $1,000 per line item; however, in special situations the limitation may vary depending upon the commodity area and may be expressed either in a higher or lower dollar value, by tonnage, less-than-carload lot quantities, or other units, as appropriate. Such implementing procedures will clearly state that requirements of a value or quantity less than the prescribed limitations will, wherever feasible, be procured by the Requiring Department. A MIPR for nonmilitary type items of a value or quantity less than the prescribed limitations will contain a notation that procurement by the Requiring Department was not considered to be feasible. A MIPR for a military type item need not contain such a notation. The Procuring Department will not return a MIPR submitted in accordance with the foregoing but will procure such items.

§ 5.1103–4 Emergency.

In case of emergency, where the exigencies of the situation will not permit of the delay incident to following the normal channels of single procurement, purchases may be made without the prior authorization of the Procuring Department. When such emergency purchases are made, one copy of the contractual instrument, bearing or accompanied by a statement of the emergency, shall be transmitted promptly to the purchasing activity of the Procuring Department.

§ 5.1103–5 Department of Defense Manufacturing Establishment.

When procurement assignments have been made for items required by manufacturing establishments of the Military Departments, these items shall be obtained through the facilities of the Procuring Department unless such action will unduly hinder or delay production. When procurements are made other than through the Procuring Department, one copy of the contractual instrument bearing or accompanied by a statement of the

circumstances necessitating such procurement shall be transmitted promptly to the purchasing activity of the Procuring Department. This section is not applicable when purchases are made pursuant to § 5.1103–3.

§ 5.1103–6 Local purchase as normal means of supply.

When local purchase of any nonmilitary type item has been authorized by a Requiring Department as the normal means of supply, such item may be obtained by that Department without regard to limitations prescribed in the procurement assignment implementing procedures. This authority will apply only while such item remains in "local purchase" status. For purposes of procurement and administrative planning, a Requiring Department will submit to the Procuring Department a list of the assigned items which have been authorized for local purehase, identified by the commodity area in which such items are classified and the dates on which such authorization for local purchase will be effective. Similar lists will be so submitted covering items being converted from a local purchase to a central procurement status.

§ 5.1104 Items in short supply.

In cases where shortages develop in supplies being purchased, the normal procedure will be to resolve the problem on a Departmental level. If mutual agreement cannot be reached, the subject shall be referred to the Assistant Secretary of Defense (Supply and Logistics) for decision.

§ 5.1105 Transfer of uncompleted contracts.

§ 5.1105–1 Effect of assignment of procurement responsibility.

As a general rule, when the procurement responsibility for a commodity or class of commodities is assigned to one Department, uncompleted contracts of any other Department for any such commodity or class of commodities will not be transferred but will continue to be administered for all purposes by such other Department.

§ 5.1105–2 Disputes under transferred contracts.

In the case of any contract transferred, or to be transferred, from one Department to another Department, which contract refers to either the Navy Department Board of Contract Appeals or the Army Board of Contract Appeals, the contract should be amended to provide that the Armed Services Board of Contract Appeals will hear and decide all disputes concerning questions of fact which are appealed pursuant to the "Disputes" clause of such transferred contract.

§ 5.1105–3 Contracting officers under transferred contracts.

In the case of any contract transferred, or to be transferred, to any Department, the successor to the contracting officer for each such contract shall be the Head of the Procuring Activity (or any contracting officer thereof) to which the administration of any such contract is assigned, and any such successor shall have all of the rights and responsibilities of a contracting officer under such transferred contract.

§5.1106 Purchase authorization.

§ 5.1106–1 MIPR's or other authorized procurement requests.

Military Interdepartmental Purchase Requests or other authorized procurement requests (see Subpart F, Part 16 of this subchapter), when received by the Procuring Department, shall be the authority to procure the supplies listed thereon in accordance with agreements between the Departments concerned. The Procuring Department has no responsibility to determine the validity of a stated requirement in an approved procurement request; however, it should bring to the attention of the Requiring Department apparent errors in the requirement. In coordinated procurement, the Procuring Department is authorized without referral to the Requiring Department, to deviate by 3 percent of the amount stated for each accounting classification, provided, that the sum of such deviation does not exceed 3 percent of the total amount cited in the MIPR. The Procuring Department is authorized to deviate by more than 3 percent in specific assigned commodity areas where mutual agreement has been reached and so indicated in the implementing procedures in accordance with DOD Directive 4115.28. This authorization will remain available to the Procuring Department until acceptance is completed, at which time any excess funds on the MIPR will be rescinded by the Requiring Department without the issuance of a formal amendment to the MIPR. The Requiring Department will authorize the percent variation on each MIPR, and will reserve a net amount sufficient to provide for such variation. If the deviation exceeds this percentage, referral to the Requiring Department will be necessary.

§ 5.1106–2 Determinations and findings.

(a) When procurement is by negotiation, the Procuring Department, except as provided in paragraphs (b) and (c) of this section, shall make the determinations and findings in accordance with Subpart C, Part 3 of this subchapter with respect to coordinated procurement. The Requiring Department shall furnish with the procurement request the information required by the Procuring Department to develop the determinations and findings.

(b) With respect to 10 U.S.C. 2304 (a)(13), the Requiring Department shall make the determinations and findings in accordance with Subpart C, Part 3 of this subchapter. Two copies of the determinations and findings shall be attached to the procurement request and shall be utilized by the Procuring Department as authority for negotiation, and the Procuring Department need not make further determinations and findings.

(c) With respect to 10 U.S.C. 2304 (a)(16) and when the procurement agreements under § 5.1116 (as distinguished from single procurement) do not include mobilization planning responsibility, the Requiring Department shall make the determinations and findings in accordance with Subpart C, Part 3 of this subchapter. Two copies of the determinations and findings shall be attached to the procurement request and shall be utilized by the Procuring Department as authority for negotiation, and the Procuring Department need not make further determinations and findings. With respect to single procurement (§ 5.1100–2), the Procuring Department shall make the determinations and findings.

§ 5.1107 Components of end items.

§ 5.1107–1 Contractor-furnished components.

In the procurement of end items where the contractor normally secures all components thereof from his own source (not Government-furnished), the procurement assignment does not apply to the component items required by such contractor.

§ 5.1107–2 Government-furnished components.

In the procurement of end items where the Government furnishes components which are covered by a procurement assignment, such components shall be procured in accordance with the procurement assignment. However, direct purchase may be made by a Requiring Department in exceptional cases where agreement is reached with the Procuring Department.

§ 5.1107–3 Purchase of components over and above those initially purchased with the end item.

The Procurement of components covered by a procurement assignment, and above those initially purchased with the end item, shall be effected in accordance with the procurement assignment. However, direct purchase may be made by a Requiring Department in exceptional cases where agreement is reached with the Procuring Department.

§ 5.1108 Funds and payments.

§ 5.1108–1 Citation of appropriation and funds of Requiring Department.

Contracts and orders shall cite the appropriations or funds of the Requiring Department unless it is not considered feasible and economical to relate payments directly to the end item and ultimate use of the material under procurement. The Procuring Department will, for each commodity, determine which type of funding (direct citation or consolidated-reimbursable procurement) will generally be used. The conditions under which it is considered not feasible to cite the funds of the Requiring Department are:

(a) Procurement of the end item involves separate procurement of components to be assembled by the Procuring Department.

(b) At the time of acceptance of the purchase request (MIPR), it is not considered feasible to identify specific quantities of the end item with respective Requiring Department because of the possibility of allocation of the material upon a different basis as completed items are delivered.

(c) Payments will be made without reference to deliveries of end items; for example, cost-plus-fixed-fee contracts, and fixed-price contracts with progress payment clauses.

§ 5.1108–2 Citation of funds of Procuring Department.

In cases where citation of the funds of the Requiring Department is not feasible, funds of the Procuring Department will be cited subject to reimbursement upon delivery to the Requiring Department. In those cases, contracts and orders will provide for payment by the Procuring Department.

§ 5.1109 [Reserved]

§ 5.1110 Administrative costs.

The Procuring Department shall bear, without reimbursement therefor, the administrative costs incidental to its procurement of supplies for another Department. However, when a procurement responsibility is transferred from one Department to another Department, funds appropriated or to be appropriated for defraying the administrative costs of such procurement responsibility shall be made available to the successor Procuring Department which shall assume budget cognizance at the earliest possible date.

§ 5.1111 Inspection.

Policies and procedures concerning inspection and acceptance for use in conjunction with this Part are set forth in Part 14 of this subchapter.

§ 5.1112 Execution and administration of contracts.

Generally, the Procuring Department will execute a single contract where an award embodying the requirements of more than one Department is made to a single contractor. Administration of contracts shall be in accordance with the procedures developed by the Procuring Department in accordance with § 5.1103–1.

§ 5.1113 Status reporting.

Appropriate systems of followup shall be maintained by the Procuring Department in order that contracting personnel may be currently informed as to the performance by a contractor and to further insure that Requiring Departments are apprised of the status of contracts.

§ 5.1114 Specifications.

The Requiring Department shall be responsible for providing the Procuring Department a list of (or copies of) specifications required for purchase. Under no circumstances will the Procuring Department direct or authorize deviations or waivers from the specifications cited in the MIPR without express authority of the Requiring Department.

§ 5.1115 Transportation of supplies.

Subject to the provisions of Subpart M, Part 1 of this subchapter, every requisition or procurement request shall show the appropriation or fund and accounting classification chargeable for such transportation costs as may be incurred in effecting delivery at Government expense. Government bills of lading, when required, will generally be issued by the Procuring Department. In every instance, the Government bill of lading shall show (a) the Requiring Department as the Department to be billed, and (b) the appropriation or fund designated by that Department as the appropriation chargeable. Where Government bills of lading of the Procuring Department are used to cover shipment of supplies consigned to the Requiring Department, the bill of lading number shall be prefixed by the name of the Requiring Department.

§ 5.1116 Procurement agreements.

10 U.S.C. 2308 provides that Military Department heads by agreement may make such assignments and delegations of procurement responsibilities from one Military Department to another or may create such joint or combined procuring activities or agencies as they deem necessary or desirable. Nothing set forth in this Subchapter shall preclude the Military Departments from making agreements under 10 U.S.C. 2308 which do not violate the single procurement policies and procedures set forth in this subpart or in applicable Department of Defense Directives, Instructions, and regulations.

[ASPR, July 1, 1960] (R.S. 161, sec. 2202, 70A Stat. 120; 5 U.S.C. 22, 10 U.S.C. 2202. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314)

R. V. LEE,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 60–6881; Filed, July 22, 1960; 8:45 a.m.]

Title 44—PUBLIC PROPERTY AND WORKS

Chapter IV—Business and Defense Services Administration, Department of Commerce

[Foreign Excess Property Order 1 (Revised)]

PART 401—FOREIGN EXCESS PROPERTY

Small Lot Procedures; Appeals

On May 27, 1960, there was published in the FEDERAL REGISTER (25 F.R. 4690) a notice of proposed amendment of Foreign Excess Property Order No. 1 (Revised), Importation Into the United States of Nonagricultural Foreign Excess Property. Said notice provided for the submission of data, views or arguments in writing to the Foreign Excess Property Officer of the Department of Commerce within 20 days following the day of publication of the notice of proposed rule making. Data, views and arguments have been received in writing and have been considered.

Pursuant to the Administrative Procedure Act insofar as it may be applicable hereto, Foreign Excess Property Order No. 1 (Revised) (24 F.R. 366), as amended, is further amended to include a new section, § 401.4a *Small Lot Procedure,* as follows:

§ 401.4a Small Lot Procedure.

(a) Small Lots of foreign excess property, as defined herein, shall be exempt from the requirements for investigation and finding in regard to shortage or other benefit to the economy.

(b) A Small Lot consists of a single item or article of foreign excess property, or a single lot of parts or components, which may be imported for the exclusive use of an applicant, the United States Government acquisition cost of which was not in excess of $10,000. A single lot of parts or components shall, for the purpose of this section, not exceed the number of such parts or components normally used, attached or installed on a single complete item or article.

(c) To qualify for consideration under the Small Lot Procedure the following conditions must be met:

(1) The property must consist of a single Small Lot as defined in paragraph (b) of this section.

(2) The applicant must file an application to import a single Small Lot in accordance with the provisions of § 401.5. In lieu of the information required in Item 5 of Part I, the application must include the following statement:

This application is filed in accordance with and subject to the provisions of § 401.4a—Small Lot Procedure.

Such applications shall be known as Small Lot Applications.

(3) The applicant must submit evidence satisfactory to the FEPO that he has procured the property or that he proposes to procure the property directly from a United States Government agency, and of the United States Government acquisition cost of the property. Such evidence shall consist of the United States Government acquisition cost of the property as set forth on an actual or estimated basis in the Invitation for Bids; or, if no such actual or estimated acquisition cost is set forth in the Invitation for Bids, the acquisition cost shall, for the purposes of this section, be deemed to be equal to ten times the applicant's bid or ten times the United States Government's sale price of the property, whichever shall be applicable.

(4) A Small Lot Application must set forth that the property is to be imported for the exclusive use of the applicant, that it will not be sold, rented, encumbered, loaned, or given away by the applicant for a period of two years from date of entry, and that bond will be furnished in accordance with paragraph (f) of this section to provide assurance against unauthorized diversion or use of the property.

(d) No person shall be authorized during any one year period to import under the Small Lot Procedure:

(1) More than one item or article, or more than one lot of parts or components, of the same or comparable alternative kind.

(2) More than two Small Lots.

(3) More than $10,000 of property expressed in terms of United States Government acquisition cost.

(e) Every FEP Import Determination and FEP Import Authorization issued

pursuant to this section shall state that it is issued in accordance with the Small Lot Procedure, shall set forth the United States Government acquisition cost of the property, and shall refer to the requirement for furnishing bond contained in paragraph (f) of this section.

(f) A person to whom an FEP Import Authorization has been issued for a Small Lot must furnish, at the time of entry of the property, a bond to the Collector of Customs in an amount equal to the United States Government's acquisition cost as stated in the FEP Import Authorization. Such bond shall conform to the Bureau of Customs Forms 7551 or 7555 with the added condition:

There is incorporated in and made a part of the bond No. ------, dated ----------, in the amount of $------, executed by ---------, as principal, and ----------, as surety, the following added condition:

Whereas, the principal named in the said bond has been permitted, in accordance with § 401.4a of Foreign Excess Property Order No. 1 (Revised), to enter merchandise subject to the provisions of section 402 of the Federal Property and Administrative Services Act of 1949, and,

Whereas, the said obligors stipulate and agree that within two (2) calendar years of the date of entry of this property such property shall not be sold, rented, encumbered, loaned, or given away but shall be restricted to the exclusive use of the principal;

Now therefore, the added condition on this obligation is such that if during the two (2) year calendar period subsequent to the date of importation the principal named herein shall have retained said property in his possession and available for inspection by Custom officials, and if the said property shall not have been sold, rented, encumbered, loaned, or given away within said two (2) year period, and if at the end of said period the principal shall certify to the Collector of Customs at the port of entry that said property has been retained for the exclusive use of the principal and has not been sold, rented, encumbered, loaned, or given away, or in default thereof the obligors shall pay to the Collector of Customs as liquidated damages the full amount of the bond to which this special condition is attached;

Then this added condition shall be void, otherwise to remain in full force and effect.

(g) The Bureau of Customs shall retain custody of bonds furnished under this section and may take appropriate measures to secure compliance with the conditions and obligations of such bonds and for the enforcement thereof.

§ 401.13 [Amendment]

Section 401.13 *Appeals* is amended by adding subparagraph (5) to paragraph (b) thereof as follows:

(5) In determining that an applicant under the Small Lot Procedure established by § 401.4a has failed to meet the conditions specified therein.

(Sec. 402, 63 Stat. 398; 40 U.S.C. 512)

This amendment shall take effect upon the date of its publication in the FEDERAL REGISTER.

Dated: July 19, 1960.

BUSINESS AND DEFENSE SERVICES ADMINISTRATION,
WILLIAM A. WHITE, SR.,
Administrator.

The provisions of Part 401 set forth in the foregoing amendments to Foreign Excess Property Order No. 1 (Revised) which relate to appeals to the Appeals Board for the Department of Commerce are adopted as rules of the Appeals Board.

Dated: July 18, 1960.

GRISWOLD FORBES,
Chairman, Appeals Board.

[F.R. Doc. 60-6896; Filed, July 22, 1960; 8:46 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

PART 61—HOURS OF SERVICE OF RAILROAD EMPLOYEES

Method and Form of Monthly Reports

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D.C., on the 24th day of June A.D. 1960.

The matter of curtailment or simplification of the method and form of monthly reports of hours of service of employees subject to the act of March 4, 1907 (45 U.S.C. 61-64) as amended being under consideration and it appearing that the changes in existing regulations to be effectuated by this order are only minor changes with respect to the forms to be used and the data to be furnished and that public rule-making procedures are unnecessary:

It is ordered, That the order of June 28, 1911, as amended by orders of April 8, 1912, and May 12, 1955, be and it is hereby further modified with respect to the number and form of monthly reports as follows:

§ 61.0 Method and form of monthly reports.

(a) *Forms and instructions prescribed.* The accompanying forms entitled "Interstate Commerce Commission Hours of Service Report," and designated as:

Form No. 1: Certification and summary for use when there is excess service.

Form No. 2: Employees on duty more than 16 consecutive hours and/or employees returned to duty after 16 hours continuous service without 10 consecutive hours off duty.

Form No. 3: Employees continued on duty after aggregate service of 16 hours and/or employees returned to duty after aggregate service of 16 hours without 8 consecutive hours off duty.

Form No. 4: Employees at continuously operated day-and-night offices, who dispatch, report, transmit, receive, or deliver orders affecting train movements, and who were on duty more than 9 hours in any 24-hour period and employees at offices operated only during the daytime, or not to exceed 13 hours in a 24-hour period, and who were on duty more than 13 hours in any 24-hour period.

and the method embodied in the instructions therein set forth, be, and the same are hereby, adopted and prescribed, and all common carriers subject to said act are thereby notified to use and follow the said prescribed forms and method in making monthly reports of hours of service of employees on duty for a longer period than that named in said act and/or, returned to duty without having the statutory period off duty, commencing with and making the first report for the month of August 1960.

(b) Instructions to be followed in filling out the blanks:

(1) A certified report, in accordance with the method and forms prescribed, must be sent to the Interstate Commerce Commission for each month, showing all employees who were on duty in excess of the period allowed by the Hours of Service Act of March 4, 1907, or who were on duty without the period off duty prescribed by that Act, such report to be filed with the Commission within 30 days after the end of the month for which the report is made. In case any employees have performed excess service, or have returned to duty without having had the statutory period off duty, the proper forms are to be filled out and the certification, Form 1, completed.

The monthly report should be made up in the following order:

Form 1: Certification of officer and summary.

Form 2: One sheet for each case where any member or members of a train or engine crew or any other employee subject to the act remained on duty more than 16 consecutive hours, and/or returned to duty after 16 hours continuous service without having had 10 consecutive hours off duty.

Form 3: One sheet for each case where any member or members of a train or engine crew or any other employee subject to the act remained on duty after aggregate service of 16 hours and/or returned to duty after aggregate service of 16 hours without 8 consecutive hours off duty.

Form 4: Each case where an employee who transmits, receives, or delivers orders affecting train movements at continuously operated day-and-night office was on duty longer than nine hours in any 24-hour period, and each case where an employee who, at offices regularly operated not exceeding 13 hours in a 24-hour period, was on duty for a longer period than 13 hours in any 24-hour period.

(2) *Instructions for filling out Forms 2, 3, and 4.* In the space provided for "Cause", detailed information relative to events or occurrences leading to cause of excess service must be noted. The reasons why employees were allowed to perform excess service or were returned to duty with less than the required time off duty must be shown. On Form 4, the figure "9" should be entered in the proper column when excess service occurred at continuously operated office and the figure "13" when excess service occurred at an office operated only during the daytime. If the excess service reported on Form 4 was caused by the absence of another employee, the reason for such absence should be shown. Abbreviations may be used to show occupations.

§ 61.1 List of forms.

Form No. 1: Hours of service report certifying excess service.

Form No. 2: Employees on duty more than 16 consecutive hours and/or employees returned to duty after 16 hours continuous service without 10 consecutive hours off duty.

Form No. 3: Employees continued on duty after aggregate service of 16 hours and/or employees returned to duty, after aggregate

service of 16 hours, without 8 consecutive hours off duty.

Form No. 4: Employees at continuously operated day-and-night offices, who dispatch, report, transmit, receive, or deliver orders affecting train movements, and who were on duty more than nine hours in any 24-hour period and employees at offices operated only during the daytime or not to exceed 13 hours in a 24-hour period, and who were on duty more than 13 hours in any 24-hour period.

It is further ordered, That a copy of this order be served on each common carrier by railroad subject to the Interstate Commerce Act and on each national organization of railroad employees and notice thereof be given to the general public by depositing a copy of said order in the office of the Secretary of the Commission at Washington and by filing it with the Director, Office of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended, sec. 4, 34 Stat. 1417; 49 U.S.C. 12, 45 U.S.C. 64. Interpret or apply sec. 20, 24 Stat. 386, as amended, secs. 1–3, 34 Stat. 1415, 1416, as amended; 49 U.S.C. 20, 45 U.S.C. 61–63)

By the Commission, Division 3.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 60-6890; Filed, July 22, 1960; 8:46 a.m.]

[Ex Parte No. 73]

PART 142—EXTENSION OF CREDIT TO SHIPPERS

Payment of Rates and Charges

In the matter of request of defendants for postponement of effective date of order:

Upon consideration of the record in the above-entitled proceeding, and of the pendency of a petition filed by the respondents on June 17, 1960, for reconsideration of the report and order of the Commission, dated May 19, 1960;

It appearing that since replies to the above-mentioned petition are not due until after the effective date of the Commission's order; and that respondents' request for modification of the effective date of the order of the Commission pending disposition of their petition states good and sufficient reasons to justify postponement of the effective date, as sought:

It is ordered, That the order (§ 142.1b, 25 F.R. 4911) entered in this proceeding on May 19, 1960, be, and it is hereby modified so as to postpone the effective date thereof until September 1, 1960.

Dated at Washington, D.C., this 24th day of June A.D. 1960.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 60-6891; Filed, July 22, 1960; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 969]

HANDLING OF AVOCADOS GROWN IN SOUTH FLORIDA

Container Regulation

Consideration is being given to the following proposals of the Avocado Administrative Committee, established under the amended marketing agreement and Order No. 69, as amended (7 CFR Part 969), regulating the handling of avocados grown in south Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the provisions thereof.

All persons who desire to submit written data, views, or arguments for consideration in connection with such proposals should do so with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Room 2077, South Building, Washington 25, D.C., not later than 10 days after the publication of this notice in the FEDERAL REGISTER.

The proposed container regulation (as revised) is set forth below.

§ 969.321 Container regulation.

(a) (1) On and after August 22, 1960, no handler shall handle any variety of avocados unless such avocados are packed in a container or containers meeting the following specifications:

(i) Containers with inside dimensions of 11 x 16¾ x 10 inches: *Provided,* That the individual avocados in such a container shall weigh at least 16 ounces, except that not to exceed 10 percent, by count, of the fruit in each lot may fail to meet such weight requirement. Such tolerance shall be on a lot basis, but not more than double such tolerance shall be permitted for an individual container in a lot.

(ii) Containers with inside dimensions of 13½ x 16½ x 3¼ inches.

(iii) Containers with inside dimensions of 13½ x 16½ x 3¾ inches.

(iv) Containers with inside dimensions of 13½ x 16½ x 4½ inches.

(v) With respect to the containers prescribed in subdivisions (ii) through (iv) of this subparagraph, the net weight of the Arue, Pollock, Simmonds, Hardee, Nadir, Trapp, Peterson, Waldin, Pinnelli, Tonnage, Booth 8, Black Prince, Blair, Booth 7, Booth 10, Collinson, Lula, Booth 5, Hickson, Simpson, Vaca, Avon, Booth 11, Hall, Winslowson, Choquette, Herman, Monroe, Ajax (Booth 7–B), Booth 3, Taylor, Byars, Linda, Nabal, Wagner, Schmidt, and Itzamna varieties of avocados in any such container shall be not less than 13½ pounds and the net weight of all other varieties of avocados in any such container shall be not less than 13 pounds: *Provided,* That not to exceed 5 percent, by count, of the containers in any lot may fail to meet such applicable weight requirement.

(vi) Containers with inside dimensions of 13½ x 16½ and depth varying from 6½ to 8 inches.

(vii) During the period beginning at 12:01 a.m., e.s.t., August 22, 1960, and ending at 12:01 a.m., e.s.t., November 14, 1960, handlers may handle any variety of avocados in containers with inside dimensions of 13½ x 16½ and depth varying from 9 to 12 inches: *Provided,* That the individual avocados in such container shall weigh at least 16 ounces, except that not to exceed 10 percent, by count, of the fruit in each lot may fail to meet such weight requirement. Such tolerance shall be on a lot basis, but not more than double such tolerance shall be permitted for an individual container in a lot.

(viii) Such other types and sizes of containers as may be approved by the Avocado Administrative Committee for testing in connection with a research project conducted by or in cooperation with the said committee: *Provided,* That the handling of each lot of avocados in such test containers shall be subject to the prior approval, and under the supervision, of the Avocado Administrative Committee.

(2) The terms "handler," "handle," and "avocados" when used herein shall have the same meaning as when used in the amended marketing agreement and order (§§ 969.1 to 969.71).

Dated: July 20, 1960.

S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60–6897; Filed, July 22, 1960; 8:46 a.m.]

[7 CFR Part 1003]

DOMESTIC DATES PRODUCED OR PACKED IN DESIGNATED AREA OF CALIFORNIA

Notice of Proposed Rule Making

Notice is hereby given that there is being considered a proposed amendment of §§ 1003.145 and 1003.155 of the administrative rules and regulations, as amended (Subpart—Rules and Regulations, 7 CFR 1003.100–1003.165), for operations under, and pursuant to, Marketing Agreement No. 127, as amended, and Order No. 103, as amended (7 CFR Part 1003), regulating the handling of domestic dates produced or packed in a designated area of California, effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The proposed amendment was recommended by the Date Administrative Committee, established under the amended marketing agreement and order.

Consideration will be given to any written data, views, or arguments pertaining thereto which are received by the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than the eighth day after the date of publication of this notice in the FEDERAL REGISTER. Such material should be submitted in triplicate.

The amendatory action hereinafter proposed is intended to assist handlers to develop export outlets for California dates. The proposed action would provide for the identification of restricted dates which are exported and approval of certain countries, in addition to the presently approved country of Mexico, to which handlers may export restricted dates provided the dates meet the minimum grade and size requirements for free dates, are in containers acceptable to the committee, and meet other requirements applicable to exportation of dates.

The proposal is to amend §§ 1003.145 (c) (1) and 1003.155 (a) of the administrative rules and regulations (Subpart—Administrative Rules and Regulations; 7 CFR 1003.100–1003.165) in the following respects:

1. Amend the provisions of § 1003.145 (c) (1) by adding at the end thereof subdivision (iv) which shall read as follows:

(iv) Each handler shall mark all shipping containers (not including subcontainers) of dates for export pursuant to § 1003.55 in such manner as to indicate the appropriate lot number, and, except for exports to Mexico, the name of the handler or distributor. Such markings on shipping containers shall be legible and not less than five-sixteenths (5/16) inch in height on shipping containers exceeding five pounds net weight and not less than one-eighth (⅛) inch in height on all shipping containers of five pounds net weight or less. All shipping containers of dates to be exported to Mexico also shall be marked "Export Mexico" and such markings shall be legible and not less than three-fourths (¾) inch in height on shipping containers exceeding five pounds net weight and not less than one-eighth (⅛) inch in height on all shipping containers of five pounds net weight or less. The marking shall be done prior to or at the time the dates are inspected. Prior to such marking, the handler shall remove, delete or obliterate from each such container any former identifying marks other than those herein authorized. Upon the dates being inspected and certified as meeting the applicable grade and size requirements prescribed in, or pursuant to, §§ 1003.39, 1003.40, and 1003.155 the shipping containers shall, except those of dates destined for Mexico, be marked or otherwise identified by,

or under the supervision of, the inspection agency with the date of inspection, the ensignia or name of inspection agency and the words "103—Export".

2. Amend the provisions of § 1003.155(a) to read as follows:

(a) *By export.* (1) The export of restricted dates to the following countries is approved pursuant to § 1003.55: Mexico and, subject to the conditions herein specified, all other countries not included in the annual determination of trade demand pursuant to § 1003.34 and not specified in connection with the annual establishment of volume percentages pursuant to § 1003.44. Prior to export, except exports to Mexico, such dates shall (i) be inspected and certified as meeting all of the requirements of, or those prescribed pursuant to, §§ 1003.39 and 1003.40, for free dates, and (ii) packed only in such containers of not more than four different sizes as the committee may determine to be appropriate and commonly used in commercial trade channels for dates. If these conditions are not complied with, the exportation of such dates shall be considered to be exportation of free dates and subject to requirements applicable to free dates.

(2) Upon completion of disposition by a handler of dates for export to Mexico, the handler shall furnish to the committee, on DAC Form 11a, a certification to the committee and the United States Department of Agriculture that such dates will not re-enter the United States or be re-shipped to Canada or any other country. Such certificate shall state: (i) The name of the handler; (ii) the date of shipment; (iii) the customs permit, passport or border crossing number of the person moving the dates into export; (iv) the quantity and variety of dates included in the shipment; (v) the destination of the dates as reported on DAC Form No. 8 pursuant to § 1003.164; (vi) the location of border crossing station through which such dates will be transported; (vii) the name and address of the Mexican importer. The certificate shall be signed by the handler and the person moving the dates into export. It may constitute the proof of exportation which the handler is required to submit pursuant to § 1003.164. The original copy of the certificate shall be forwarded by the handler to the committee on the day of sale, the duplicate shall accompany the shipment and shall be surrendered to the United States Customs Service at the Mexican border, and the triplicate shall be retained by the handler.

(3) The destination of all dates shipped pursuant to this paragraph shall be specified at time of shipment and the destination shall not be changed or the shipment otherwise diverted without prior approval of the committee.

Dated: July 19, 1960.

S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F.R. Doc. 60-6887; Filed, July 22, 1960; 8:45 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[Billings Area Office Redelegation Order 1, Amdt. 8]

FUNCTIONS RELATING TO CREDIT MATTERS

Redelegation of Authority

Order 1, as amended, is further amended to read as follows:

1. Section 2.120 under the heading "Functions Relating to Credit Matters" in Part 2 is amended to read as follows:

SEC. 2.120 *Loan agreements and modifications.* The approval of applications for and modifications of loans to individuals (subject to the availability of funds) when the total indebtedness of the applicant to the lender does not exceed $3,000, except loans to Federal employees and loans for educational purposes.

2. Section 3.120 under the heading "Functions Relating to Credit Matters" in Part 3 is amended to read as follows:

SEC. 3.120 *Loan agreements and modifications*—(a) *Assiniboine and Sioux Tribes, Fort Peck Reservation, Montana.* The Superintendent, Fort Peck Agency, may approve applications for and modifications of loans to individuals by the Assiniboine and Sioux Tribes of the Fort Peck Reservation, Montana (subject to the availability of funds) where the total indebtedness to the Tribes does not exceed $5,000, except loans to Federal employees and loans for educational purposes, pursuant to a declaration of policy approved by the Commissioner.

(b) *Blackfeet Tribe.* The Superintendent, Blackfeet Agency, may approve applications for and modifications of loans of cattle to individuals by the Blackfeet Tribe which are repayable in kind (subject to the availability of cattle) except loans to Federal employees, pursuant to Procedures for Operation of the Blackfeet Cattle Enterprise approved by the Commissioner.

GLENN L. EMMONS,
Commissioner.

JULY 19, 1960.

[F.R. Doc. 60-6886; Filed, July 22, 1960; 8:45 a.m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

BRODIN LINE JOINT SERVICE ET AL.

Notice of Agreement Filed for Approval

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U.S.C. 814):

(1) Agreement No. 8505, between the parties to the Brodin Line joint service, Hamburg-Suedamerikanische Dampfschiffahrts-Gesellschaft Eggert & Amsinck, Flota Argentina de Navegacion de Ultramar, Flota Mercante del Estado, A/S Ivarans Rederi, Lloyd Brasileiro, Mississippi Shipping Co., Inc., Moore-McCormack Lines, Inc., the parties to the Norton Line joint service, Rederiet Svend Hellesen, and Dampskibsselskabet Torm, provides for a division of the revenue derived from the total coffee transported on their vessels from ports in Brazil, south of and including Victoria, to United States ports. This agreement will replace Agreement No. 8205.

Interested parties may inspect this agreement and obtain copies thereof at the Office of Regulations, Federal Maritime Board, Washington, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: July 20, 1960.

By order of the Federal Maritime Board.

JAMES L. PIMPER,
Secretary.

[F.R. Doc. 60-6901; Filed, July 22, 1960; 8:47 a.m.]

CALIFORNIA ASSOCIATION OF PORT AUTHORITIES

Notice of Agreement Filed for Approval

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U.S.C. 814):

(1) Agreement No. 7345-8, between the members of the California Association of Port Authorities, modifies the basic agreement of the parties which provides for the establishment and maintenance of just and reasonable, and as far as practicable, uniform terminal rates and charges, classifications, rules, regulations and practices at the members' terminals in the State of California. The purpose of the modification is to provide for the voting on conference matters by correspondence.

Interested parties may inspect this agreement and obtain copies thereof at the Office of Regulations, Federal Maritime Board, Washington, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: July 20, 1960.

By order of the Federal Maritime Board.

JAMES L. PIMPER,
Secretary.

[F.R. Doc. 60-6902; Filed, July 22, 1960; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 10741]

GREAT LAKES AIRLINES, INC., ET AL.

Notice of Postponement of Hearing

In the matter of the complaint of Great Lakes Airlines, Inc., vs. Ralph Cox, Jr., United States Overseas Airlines, et al.

Notice is hereby given, pursuant to the Federal Aviation Act of 1958, as amended, that the hearing in the above-entitled proceeding now assigned for July 26, 1960, is hereby postponed until October 4, 1960, at 10:00 a.m., e.d.s.t., in Room 725, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Curtis C. Henderson, Hearing Examiner.

Dated at Washington, D.C., July 19, 1960.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 60-6900; Filed, July 22, 1960; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-13673, etc.]

ATLANTIC REFINING CO. ET AL.

Notice of Severance

JULY 18, 1960.

The Atlantic Refining Company, et al., Docket No. G-13673, et al.; Champlin Oil & Refining Company, Operator, et al., Docket No. G-17193; Big "6" Drilling Company, Operator, et al., Docket No. G-17815; Bel Oil Corporation, Operator, et al, Docket No. G-20034.

In view of the filing of applications to abandon in Docket Nos. G-17193 and G-17815 and petitions to intervene in Docket No. G-20034, the applications in said docket numbers heretofore scheduled for hearing on July 26, 1960, in the above-consolidated proceedings are hereby severed from said proceedings for such disposition as may be appropriate.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 60-6885; Filed, July 22, 1960; 8:45 a.m.]

GENERAL SERVICES ADMINISTRATION

[Delegation of Authority 385]

SECRETARY OF DEFENSE

Authority to Represent Interests of Executive Agencies of Federal Government Regarding Increased Gas Rates and Charges

1. Pursuant to the provisions of sections 201(a)(4) and 205 (d) and (e) of the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, authority to represent the interests of the executive agencies of the Federal Government in the matter of Application of Pacific Gas and Electric Company for Increased Gas Rates and Charges, Application No. 42225, before the California Public Utilities Commission, is hereby delegated to the Secretary of Defense.

2. The Secretary of Defense is hereby authorized to redelegate any of the authority contained herein to any officer, official or employee of the Department of Defense.

3. The authority conferred herein shall be exercised in accordance with the policies, procedures and controls prescribed by the General Services Administration, and shall further be exercised in cooperation with the responsible officers, officials and employees of General Services Administration.

4. This delegation of authority shall be effective June 15, 1960.

Dated: July 19, 1960.

FRANKLIN FLOETE,
Administrator.

[F.R. Doc. 60-6894; Filed, July 22, 1960; 8:46 a.m.]

OFFICE OF CIVIL AND DEFENSE MOBILIZATION

SAMUEL EWING

Appointee's Statement of Changes of Business Interests

The following statement lists the names of concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

No change since last submission of statement, published January 28, 1960 (25 F.R. 740).

Dated July 9, 1960.

SAMUEL EWING.

[F.R. Doc. 60-6899; Filed, July 22, 1960; 8:47 a.m.]

TARIFF COMMISSION

[7-92]

IRON ORE

Notice of Postponement of Hearing

The United States Tariff Commission has ordered that the public hearing in connection with the investigation under section 7 of the Trade Agreements Extension Act of 1951, as amended, relating to iron ore (including manganiferous iron ore), heretofore scheduled for October 11, 1960 (25 F.R. 6525), be postponed to 10 a.m., October 18, 1960.

The hearing will be held in the Hearing Room, Tariff Commission Building, 8th and E Streets NW., Washington, D.C. Interested parties desiring to appear and to be heard at the hearing should notify the Secretary of the Commission, in writing, at least five days in advance of the date set for the hearing.

Issued: July 20, 1960.

By order of the Commission.

[SEAL] DONN N. BENT,
Secretary.

[F.R. Doc. 60-6904; Filed, July 22, 1960; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 19, 1960.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 36405: *T.O.F.C. service—Class rates between points in southwest and New England territories.* Filed by Southwestern Freight Bureau, Agent (No. B-7844), for interested rail carriers. Rates on property of various kinds moving on class rates, loaded in trailers and transported on railroad flat cars between points in New England territory on the one hand, and points in southwestern territory, on the other.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 56 to Southwestern Freight Bureau tariff I.C.C. 4335.

FSA No. 36406: *T.O.F.C. service—Class rates between points in southwestern territory.* Filed by Southwestern Freight Bureau, Agent (No. B-7845), for interested rail carriers. Rates on property of various kinds, moving on class rates, loaded in trailers and transported on railroad flat cars between points in southwestern territory, on the one hand, and points in Arkansas, Missouri, and Oklahoma, on the other.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 2 to Southwestern Freight Bureau tariff I.C.C. 4362.

FSA No. 36407: *Newsprint paper—Calhoun, Tenn., to Galveston, Tex.* Filed by O. W. South, Jr., Agent (SFA No. A3985), for interested rail carriers. Rates on newsprint paper, in carloads from Calhoun, Tenn., to Galveston, Tex.

Grounds for relief: Barge competition.

Tariff: Supplement 6 to Southern Freight Association tariff I.C.C. S-74.

FSA No. 36408: *Iron or steel wire—Gulf ports to Memphis, Tenn.* Filed by O. W. South, Jr., Agent (SFA No. A3986), for interested rail carriers. Rates on iron or steel wire, in carloads from New Orleans and Baton Rouge, La., Gulfport, Miss., Mobile, Ala., Panama City and Pensacola, Fla., (import).

Grounds for relief: Private truck competition.

Tariff: Supplement 40 to Southern Freight Association tariff I.C.C. S-87.

FSA No. 36409: *Mineral wool insulation—Joplin and Kansas City, Mo., to New Orleans, La.* Filed by Western Trunk Line Committee, Agent (No. 2136), for interested rail carriers. Rates on mineral wool insulation, in carloads from Joplin, Mo., and Kansas City, Mo.-Kans., to New Orleans, La.

Grounds for relief: Market competition.

Tariff: Supplement 144 to Western Trunk Line Committee tariff I.C.C. No. A-3831.

FSA No. 36410: *Substituted service—NYNH&H for Gilbertville Trucking Company, Inc.* Filed by The New York, New Haven and Hartford Railroad Company, Agent (No. 218), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars between Harlem River, N.Y., on the one hand, and Boston, and Springfield, Mass., New Haven, Conn., and Providence, R.I., on the other, on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

FSA No. 36411: *Liquefied petroleum gas—Houma and Southdown, La., to official territory.* Filed by Southwestern Freight Bureau, Agent (No. B-7850), for interested rail carriers. Rates on liquefied petroleum gas, in tank-car loads from Houma and Southdown, La., to points in official territory.

Grounds for relief: Market competition.

Tariff: Supplement 217 to Southwestern Freight Bureau tariff I.C.C. 4150.

FSA No. 36412: *Soda ash—Baton Rouge, La., to Plymouth, N.C.* Filed by O. W. South, Jr., Agent (SFA No. A3987), for interested rail carriers. Rates on soda ash, in carloads from Baton Rouge, La., to Plymouth, N.C.

Grounds for relief: Market competition.

Tariff: Supplement 8 to Southern Freight Association tariff I.C.C. S-89.

FSA No. 36413: *Hay—Kansas and Oklahoma to Missouri and Tennessee.* Filed by Southwestern Freight Bureau, Agent (No. B-7852), for interested rail carriers. Rates on hay, in carloads from Kansas and Oklahoma points to points in Missouri and Memphis, Tenn.

Grounds for relief: Short-line distance formula.

Tariff: Supplement 24 to Southwestern Freight Bureau tariff I.C.C. 4166.

FSA No. 36414: *Iron and Steel Articles—Gulfport and Pascagoula, Miss., to Nashville, Tenn.* Filed by O. W. South,

Jr., Agent (SFA No. A3988), for interested rail carriers. Rates on bands, beams or channels and bars, iron or steel, in carloads from Gulfport and Pascagoula, Miss. (import) to Nashville, Tenn.

Grounds for relief: Market competition.

Tariff: Supplement 41 to Southern Freight Association tariff I.C.C. S–87.

FSA No. 36415: *Petroleum naphtha—Southwestern and midcontinent points to Ky., and West Va.* Filed by Southwestern Freight Bureau, Agent (No. B–7851), for interested rail carriers. Rates on petroleum naphtha, in tank-car loads from points in southwestern and midcontinent territories to C&O stations in Kentucky and West Virginia.

Grounds for relief: Market competition.

Tariff: Supplement 47 to Southwestern Freight Bureau tariff I.C.C. 4334.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 60–6889; Filed, July 22, 1960; 8:45 a.m.]

CUMULATIVE CODIFICATION GUIDE—JULY

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during July.

3 CFR

4 CFR

5 CFR

6 CFR

7 CFR

8 CFR

9 CFR

10 CFR

12 CFR

14 CFR

15 CFR

16 CFR